SENATE

TUESDAY, APRIL 5, 1932

(Legislative day of Monday, April 4, 1932)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Costigan	Hebert	Pittman
Austin	Couzens	Howell	Reed
Bailey	Cutting	Johnson	Robinson, Ark.
Bankhead	Dale	Jones	Schall
Barbour	Davis	Kean	Sheppard
Bingham	Dickinson	Kendrick	Shipstead
Black	Dill	Keyes	Shortridge
Blaine	Fess	King	Smoot
Borah	Fletcher	La Follette	Steiwer
Bratton	Frazier	Lewis	Thomas, Idaho
Brookhart	George	Logan	Thomas, Okla.
Broussard	Glass	Long	Townsend
Bulkley	Glenn	McGill	Trammell
Bulow	Goldsborough	McKellar	Tydings
Byrnes	Gore	McNary	Vandenberg
Capper	Hale	Morrison	Wagner
Caraway	Harrison	Moses	Walcott
Carey	Hastings	Norbeck	Walsh, Mass.
Connally	Hatfield	Norris	Walsh, Mont.
Coolidge	Hawes	Nye	Wheeler
Copeland	Hayden	Oddie	White

Mr. FESS. The senior Senator from Indiana [Mr. WATSON] and the junior Senator from Indiana [Mr. ROBINSON] are absent attending the funeral of the late Representative Vestal. This announcement may stand for the day.

I also wish to announce that the Senator from Missouri [Mr. PATTERSON] is detained on account of illness. This announcement may stand for the day.

Mr. GEORGE. My colleague the senior Senator from Georgia [Mr. HARRIS] is still detained from the Senate because of illness. I will let this announcement stand for the day.

Mr. GLASS. I wish to announce that my colleague the senior Senator from Virginia [Mr. SWANSON] is absent in attendance upon the disarmament conference at Geneva.

Mr. BYRNES. I wish to announce that my colleague the senior Senator from South Carolina [Mr. SMITH] is necessarily detained by serious illness in his family.

Mr. LOGAN. I wish to announce that the senior Senator from Kentucky [Mr. BARKLEY] is necessarily detained from the Senate on official business.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

REPORTS OF THE POST OFFICE COMMITTEE

Mr. ODDIE, from the Committee on Post Offices and Post Roads, reported favorably sundry nominations of postmasters, which were placed on the calendar.

COORDINATION OF GOVERNMENTAL DEPARTMENTS

Mr. JONES. Mr. President, as in legislative session, I ask leave to introduce a joint resolution, which I request to have printed in the RECORD and appropriately referred.

The VICE PRESIDENT. Without objection, leave is granted.

Mr. JONES introduced a joint resolution (S. J. Res. 135) creating a joint commission concerning the coordination and economical administration of the executive departments and independent establishments of the Government, which was read twice by its title and referred to the Committee on Expenditures in the Executive Departments and ordered to be printed in the RECORD, as follows:

Resolved, etc., That there is hereby created a joint commission to be composed of nine members, three Senators, to be appointed by the Vice President of the United States, three Members of the House of Representatives, to be appointed by the Speaker, and three members, to be appointed by the President of the United States. This commission shall study the several executive departments and independent establishments of the Government, with a view to their coordination and economical administration, and within 30 days from the passage of this resolution make such recommendations to Congress as it may deem advisable. All agencies of the Government shall furnish to the commission such information as it is possible to furnish. The Director of the Bureau of the Budget is directed to furnish to the commission such clerical force as the commission may request. The commission may employ such stenographic help as may be necessary, the payment therefor being hereby authorized at rates not exceeding 25 cents per 100 words, to be paid upon vouchers to be approved by the chairman of the commission, from the contingent funds of the Senate and House of Representatives in equal parts.

CHARLES A. JONAS—MOTION TO RECONSIDER

The Senate, in executive session, resumed the consideration of the motion of Mr. HASTINGS to reconsider the vote by which the Senate rejected the nomination of Charles A. Jonas to be district attorney for the western district of North Carolina.

The VICE PRESIDENT. The Senator from Delaware [Mr. HASTINGS] is entitled to the floor.

Mr. HASTINGS. Mr. President, I neglected on yesterday to read an editorial commending the appointment of Mr. Jonas. The editorial appeared in the Charlotte Observer under date of Tuesday, February 10, 1931, Mr. Jonas having been named on February 9. The editorial is as follows:

[From the Charlotte Observer, Tuesday, February 10, 1931]

JONAS GETS THE JOB

The anticipated has happened with presidential appointment forwarded in the matter of retiring Congressman Charles A. Jonas to fill the office of district attorney for western North Carolina, for Jonas was booked for the honor several months ago. The appointment quite likely carries confirmation, for it is not conceivable how objection could be entered in this instance, except on the ground that Jonas is a Republican, and until there is a reversal of political régime at Washington, no Democrat could expect to secure appointment of the kind. The Republicans will be agreed that Mr. Jonas has made a Congressman of unusual activities, having been diligent in looking after the interests of towns and people in his district. He has developed much resourcefulness in securing results, and all fair-minded Democrats will accord Jonas credit for having proved an alert and an obliging public officer. He is qualified for discharge of the duties of district attorney, for he is a lawyer of admitted ability, and the Observer believes it voices public sentiment in this section when it predicts popular acquiescence in his selection.

I want to quote from a newspaper article from the same paper appearing on the following day, February 11, 1931:

[From the Charlotte Observer, Wednesday, February 11, 1931]

EXPECTS JONAS TO BE APPROVED—MORRISON SEES NO OBSTACLE TO EARLY CONFIRMATION AS UNITED STATES ATTORNEY

Senator CAMERON MORRISON last night at Washington predicted that the Senate would quickly approve the nomination of Representative Charles A. Jonas as district attorney of western North Carolina.

"I haven't heard any indication whatever that there would be any fight on Mr. Jonas," said Senator MORRISON. "The nomination is now before the Judiciary Committee of the Senate, and it ought to be reported out within two or three days. I think nothing will develop to prevent his obtaining a quick confirmation."

Mr. MORRISON. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Delaware yield to the Senator from North Carolina?

Mr. HASTINGS. Certainly.

Mr. MORRISON. From what was the Senator reading?

Mr. HASTINGS. From a news item appearing in the Charlotte Observer on Wednesday, February 11, 1931.

Mr. MORRISON. I do not care what it says; there is not a word of truth in it.

Mr. HASTINGS. Former Senator Simmons, of North Carolina, was in the Senate, and the records of the Judiciary Committee show that Senator Simmons approved of the nomination.

On February 28, 1931, when this matter was being heard by a subcommittee of the Committee on the Judiciary, the senior Senator from North Carolina [Mr. MORRISON] appeared and made this statement:

I deeply regret that my sense of duty compels me to interpose most emphatic objection to the confirmation of Mr. Charles A. Jonas for district attorney in the western district of North Carolina.

My reasons, that is, those which at this time I desire to state, are, first, I have become thoroughly convinced that Mr. Jonas is such a bitter partisan in politics and so controlled by political

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prejudice that he ought not to have a part in the administration of justice.

Secondly, that in a prepared newspaper article which he gave to the press on the 12th of January and published in the Greensboro Daily News of January 13, he made an assault upon the committee of the United States Senate investigating election conditions in North Carolina, so improper in character and so untrue and unjust in fact that it discloses total unfitness for a position of district attorney.

I herewith file with the committee this article and particularly call attention to the second paragraph at the top of his article.

I call attention to the fact that at that time nothing was said by the distinguished Senator from North Carolina [Mr. MORRISON] with respect to the attack upon the courts. Now I desire——

Mr. MORRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from North Carolina?

Mr. HASTINGS. I yield.

Mr. MORRISON. I did not understand the last remark of the Senator.

Mr. HASTINGS. I said I called attention to the fact that in the complaint against Mr. Jonas nothing was said by the Senator with respect to the attack upon the courts of the State of North Carolina.

Mr. MORRISON. Mr. President, I know the Senator does not want to misrepresent me. I filed the statement and interposed my objection to him upon the facts set forth in his interview. I did not argue the matter; I did not particularize; but stated the objection as I have stated on the floor. There is not the slightest inconsistency in my position there and here; but I had become convinced that Mr. Jonas manifested such deep and bitter partisanship that he ought not to be entrusted with a position looking to the administration of justice, and I filed the statement. I made no further charges against him there, and I have made none other here.

Mr. HASTINGS. Mr. President, the statement is borne out by the remarks made by him on the floor of the Senate when this question was before the Senate. I desire to quote from portions of his speech, in which he said:

Mr. President, the particular matter about which the Senator from Montana was talking when he closed his remarks shows about as clearly as anything else in this record the unfitness of Mr. Jonas for a position in connection with the administration of justice.

There was complaint in North Carolina of the old primary law and Senator BAILEY led a fight in North Carolina to correct it. He was not elected, as Senator WALSH has been informed, to the general assembly of the State. The State never had the benefit of his services in its legislative body; but as a public man of wide influence in the State he had the laws corrected, made modern and up-to-date; and yet, in his deep partisanship, Mr. Jonas brings a speech made by Mr. BAILEY against the old primary law of the State into this contest to try to sustain his contention that our election laws are now out of date and corrupt and unfair; and that is about his idea of justice, as shown by other things in this record.

I quote again from the speech of the senior Senator from North Carolina:

Because he seems to have become such a reckless partisan, such an unfair man, as, in my judgment, totally disqualifies him to help administer justice.

And again—

But the whole record shows that he is a man of deep and bitter partisanship.

And again—

Mr. Jonas not only attacked this committee in this reckless manner, but he attacked the whole State of North Carolina, and charged—I will not stop to read his language; it is in the RECORD—that they could not get any justice in the courts down there, broadside, wholesale.

* * * * * * *

Yet he makes a wholesale assault on the judiciary of North Carolina, a reckless assault.

* * * * * * *

He is the national committeeman of his party from our State, and the head of the Republican machine of that State; and he is to be rewarded for all this partisanship by a place in the administration of justice.

And again he says:

But this man is so reckless in his partisanship, so bitter, that he ought not to be confirmed, in my opinion, for this honorable position.

And again:

But this man is being rewarded, in my judgment, for a partisanship which ought not to find reward in the administration of justice in any State.

And again:

A statement which would indicate such abandoned partisanship that I submit it disqualifies that man to help administer justice in any State.

And again:

Then he attacks the courts of the State. It was a reckless abandoned attack, as unjust and reckless as his attack upon the Nye committee and upon the Progressives, showing that unfairness, that lack of any conception of those principles of justice which a man who wants to be an officer of justice ought to have.

And again:

The matter before us now is that here is a man to whom both the Senators from North Carolina object. I want to deny that it is on political grounds.

And again:

I oppose it because I think he has so defamed the State whose commission he held at the time he defamed it.

Mr. President, I call attention to those statements picked out of the Senator's speech, because it seems to me, after all, that partisanship has a great deal to do with the objection to Mr. Jonas.

I want to refer now to a question that is sometimes discussed before the Senate and discussed very much more out of the Senate, namely, the practice of rejecting a nominee upon the ground that he is personally obnoxious to one of the Senators from the State in which he is named. In order that I may make myself clear with respect to this question it will be necessary for me to read the language of Mr. Jonas that is objected to. Here is what the junior Senator from North Carolina [Mr. BAILEY] particularly objects to:

Criminal actions in the courts are out of the question, if for no other reason than the multiplicity of actions, and enormous expense and time required, if private citizens should undertake this method. Further, the case of double voting by Doctor Avery and wife at Maiden, the registrar case at Shelby, completely shows the futility of pursuing this course. The 13 solicitors of the State could wake the dead, if they were minded to perform great public service, forget politics, and sift these charges to the bottom, in an impartial and nonpartisan way. But will they?

I call attention to the objection of Senator BAILEY, and particularly to the language of the objection:

Again, Mr. Jonas in this article attacks the courts of the Commonwealth of North Carolina, and, so far as I am concerned, that is the gravamen of his offense.

I ask Senators who believe in this practice to observe carefully this language:

I do not hesitate to say that if he had attacked me personally I would not have filed objections to him on that account. If he had reflected upon me in a political campaign, I would have taken it as in the ordinary course of politics. If he had very greatly offended me personally, I can not conceive that I would be willing, and I do not think in the term that I shall serve here I shall ever be willing, to use the high privilege that is vested in a matter of this sort by way of venting anything that is personal or anything that is political.

I call particular attention to the question asked by the Senator from Indiana [Mr. WATSON], as follows:

Mr. WATSON. Mr. President, I heard somewhat indistinctly a portion of what the Senator said. I want to ask the specific question whether or not, after having submitted this case in all its phases, he is willing to stand on the floor of the Senate and make the statement that this nomination is personally offensive and personally obnoxious to him?

I want Senators to observe carefully this answer:

Mr. BAILEY. I made that statement and explained exactly why—not personal in a personal sense and with no intention whatever to use any power or privilege in this body in a personal way, but personal in the sense that he has offended against my Commonwealth wantonly and unjustly.

I suggest that what the Senator does is this: He has placed the responsibility upon every Senator who believes in the rule to decide for himself whether the reasons he has given are good reasons or not for his objection; in other words, he gets out from under this rule of being personally obnoxious. He can go back to his own State and say, "I

specifically stated the objection was not personal, but, on the other hand, I stated to the Senate what my objections were, and that it was upon those objections I stated the nominee was personally obnoxious."

I have great sympathy for Senators who oppose the nominations of persons from their own States, whether the nominees be of their own political party or whether the contrary is the case, and I think very great weight ought to be given to such objections, but when a Member of this body gets up on the floor and undertakes to give some reason that is not a good reason and then puts it up to Senators whether or not it is a good reason—for instance, if he bases his personally obnoxious plea upon a thing that is wholly unreasonable, such, for example, as saying, "The nominee is personally obnoxious to me because I do not like the color of his hair," or some foolish thing like that—then I say the Senate, regardless of whether it has modified its rule or whether it has not, can not, with due regard to its own responsibilities, permit a thing like that to go by. It seems to me if we permit that sort of thing to go that we may get ourselves into very serious difficulty.

Before the junior Senator from North Carolina [Mr. BAILEY] reached the Senate there was nominated from North Carolina a Mr. McNinch to be a member of the Federal Power Commission. A hearing was had on the nomination on December 17. The present senior Senator from North Carolina [Mr. MORRISON] had succeeded the late Senator Overman, the present senior Senator having been appointed on December 13, and on December 17 there was a hearing upon that nomination. The senior Senator from North Carolina appeared before the committee. I shall in a moment refer to the fact that the then Senator-elect from North Carolina [Mr. BAILEY] had opposed the confirmation, but Senator MORRISON appeared and had this to say:

Mr. Chairman and gentlemen of the committee, I hope I may have the sympathy of this entire committee in the very unfortunate predicament in which I find myself on this morning of my life in the Senate. Mr. McNinch is an elder in the Presbyterian Church to which my family belongs and of which I am a feeble member. I have known him for something like a quarter of a century, and we have been mutually professing warm personal friendship for each other. He lives on a beautiful property adjoining my own, only a street dividing us. I am quite sure that my colleague-to-be and dear friend Senator-elect BAILEY is absolutely sincere in all he said to you about Mr. McNinch, and will be sincere in what he says about anything, but I know Mr. McNinch, I think, better than he does. Mr. McNinch is a man of unquestioned character and deep religious life. For years he has taught possibly the largest man's Bible class in our State, in our church. He took the course he took in politics because of deep sincerity, as deep a sincerity, in my opinion, as that of any man who was ever moved to high action. I did my best, as his neighbor and friend, to keep him from making what I thought was a great mistake. He was at that time in a very delicate state of health. He had been in the hospital for some three or four months, and I remember that I finally told him this, that personally I did not believe he could stand it; I was afraid it would kill him. He said he could not help it if it did; that he must do it.

I sat in the committee and heard the Senator from North Carolina make that statement, and I reached the conclusion then, which I have retained since, that he was a generous man and willing and anxious to do the fair thing with all persons.

I now want to read in the same connection, in order that we may determine whether or not the practice of considering conclusive a personal objection that is urged is a dangerous thing, what the Senator elect [Mr. BAILEY] had to say with respect to that subject. Before he came to the Senate, after his election in November, he appealed to Senator Overman, who was then in the Senate, with a letter dated December 4, 1930, and reading as follows:

DECEMBER 4, 1930.

MY DEAR SENATOR OVERMAN: I protest against the confirmation by the Senate of the appointment of Mr. Frank McNinch as a member of the Federal Power Commission.

Under other than most unusual conditions I would be slow to oppose the appointment of any North Carolinian, and as a rule I would hesitate to protest against the confirmation of any presidential appointee. But there are irresistible considerations for opposing the confirmation of the appointment of Mr. McNinch, as follows:

I am reading this to the Senate for the purpose of asking a question whether the junior Senator from North Carolina did not have more reason for saying that the nominee in that case was personally obnoxious to him than he had in the present case.

1. The appointment is transparently political. We are informed that Mr. McNinch has been named as a Democrat. Assuming that he is a Democrat, the President has appointed him by way of reward for supporting the Republican national ticket in 1928. If those who put him forward or the President who named him should undertake to deny this, they would be laughed out of the presence of those to whom they uttered their denials. Such an appointment is contrary to the spirit, if not the letter, of the law. The President has no moral right to give a Democrat appointment as a reward for supporting the Republican ticket. To hold that he has is to hold that Democratic appointments may be given only to those who have supported the Republican ticket.

2. As manager of a political campaign in this State in 1928—in the interest of the Republican national ticket, and in direct alliance with the Republican campaign committee—Mr. McNinch waged a campaign in which considerable money was expended. How much, no one knows; but there are thousands of citizens who believe that it was no small sum. Whence it came, or how it was expended, we do not know, but no one here believes it came from sources creditable to Mr. McNinch. There have been rumors of a rather substantial character for more than two years, that at least one power company was in the number of the McNinch contributors. These rumors have not been denied.

I have no definite information as to the sources of the McNinch campaign fund, but Mr. McNinch has only himself to blame for the impression that the rumors to which I have referred were only too well founded. This impression can not be erased now. He could have denied them at the time or he could have reported his contributions in detail, as our attorney general held the law to require of him, but he chose to remain silent when formally called upon by the State to make disclosure. If he had nothing to conceal, why did he pursue the course of the one who did have somewhat to conceal?

Certainly if any power company did contribute to the McNinch campaign fund, that fact disqualifies him. And, I may add, the fact that Mr. McNinch has pursued a course now for more than two years calculated to confirm widespread rumors that he did receive funds from such a source strikes so broadly at the popular confidence in him that every act of his as power commissioner would be reviewed with suspicion, and not unjustly. This also disqualifies him.

Of even more significance, the refusal by Mr. McNinch to report the receipts and disbursements of the campaign conducted by him, in the face of a ruling by the attorney general that the law required of him such a report, not only confirmed suspicions of the gravest character, but, in that it manifested a contemptuous attitude toward sound public opinion, and defied a righteous demand approved by public policy and admitted to be consonant with the spirit of the law, it cost Mr. McNinch once and for all the confidence of the people of this State. They have no more respect for him than he chose to show for them. By his own acts he deliberately placed himself in the category of irresponsible political adventurers.

It will not serve now for him to make denial or report. Confidence in him has been destroyed. The impression is indelible. Repentance in the prospect of reward or the sight of punishment is justly to be discounted as rather desire for the reward or dread of the punishment.

3. A further consideration of great weight is this: The circumstances of this appointment are such as to give color to suspicions that one or more power companies, the operations of which are to be supervised by the Federal Power Commission, are proposing to have a hand in the appointment of those who in judicial capacity are to determine rights as between them and consumers. I do not say that this is true. I hope it is not true. But such suspicions should not be cultivated. Power companies themselves should pursue a course that will prevent the cultivation of such suspicions. The membership of the Federal Power Commission must be above all suspicion. It must command confidence in all events, and, unless it shall, drastic measures will be the consequence. I am for a square deal for the power companies, for encouraging them and expanding their usefulness. To be sure, they know that activity by any one of them in determining an appointment to the Federal Power Commission would be regarded as a challenge to be accepted without a moment's hesitation, and the suspicion of such activity with color to support it will go far to create bad feeling. We seek mutually helpful relations; but we know how to respond to an act of war. It will not be difficult to find men for this high office in whom we may repose such faith as is reposed in our judiciary. Nothing short of this will serve. It is the part of prudence, therefore, to reject this appointment.

4. It must be admitted that Mr. McNinch has no remarkable qualifications for this position. His standing as a man is good, but no better than that of millions; his repute as a lawyer is good, but there are at least a score of lawyers at the Charlotte bar who outrank him. No one that knows him would attribute to him judicial temperament. It is true that he has enjoyed some inconstant prominence as a politician, but that has been due more to the irregular course he has pursued than to unusual gifts. If the office to which the President has named him were an elective

office, you know Mr. McNinch would not be a candidate; nor would he be considered.

In addition to that, on December 17 the junior Senator from North Carolina [Mr. BAILEY] appeared before the committee and had this to say:

I am here in my capacity as a citizen of the State of North Carolina and as a Democrat, and am not standing at all on my theory of right or influence by way of being Senator elect from the State of North Carolina. And, of course, what I have to say is said with the utmost respect and regard for Senator Simmons and for Senator MORRISON. It is a matter of difference, and, as I conceive it, a matter of difference in the sense of duty.

Now, I have protested against the confirmation of Mr. McNinch, first, on the ground that he is not a Democrat. And in my letter of protest I stated that I did not concede the President of the United States had the right, the moral right, to reward with a Democratic appointment a man for having supported the Republican cause. Since I made that protest Mr. McNinch has testified here, and he not only admits that he supported the national Republican ticket in 1928, leading the fight in an official way in North Carolina, but he also admits that he voted for Mr. Charles A. Jonas, the Republican candidate for Congress in the ninth district of North Carolina, and voted against Mr. BULWINKLE, the Democratic candidate.

Now, that was the one district in the State of North Carolina in which the contest was close. It was the one district in the State in which the demands of loyalty to party were at the peak. Mr. McNinch states that he voted for the Republican candidate for Congress in 1930 under an entirely different set of circumstances from those existing in 1928. Now, I trust that this committee will not consider this personal at all. He not only admitted that he voted for the Republican candidate for Congress in a close contest, in a close district, in 1930, but that he did not vote for the Democratic candidate for the United States Senate in that same election, November 4, 1930.

In other words, that he did not vote for Senator BAILEY.

Mr. REED. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Pennsylvania?

Mr. HASTINGS. I yield to the Senator from Pennsylvania.

Mr. REED. What troubles me is not the point that the Senator had been making so forcefully. It is not the question of what we might do on these facts, but it is a question of the force that should be given to the objection, phrased as it was by the junior Senator from North Carolina, when he says that because of what he considers to be insulting language about the courts of North Carolina he feels constrained to make the objection that the nominee is personally obnoxious.

I do not believe that on the facts I would have made the objection if I had been in the Senator's place; but I am very much concerned to know what is our duty when the Senator does see fit to make the objection in that way.

If we are to go behind his objection to analyze his reasons in every case, then there is no sense in the objection by itself; and yet ever since the Senate was created it has been its custom to honor that objection, particularly when made to the nomination of a person who was to perform duties entirely within the Senator's own State.

If we are going to analyze his reasons, there never was any sense in the use of the phrase "personally obnoxious," because the reasons stood for themselves. It must be that the objection has been given a weight over and above the reasons that were ascribed for it or the Senate never would have paid any attention to it.

Mr. JOHNSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from California?

Mr. HASTINGS. I do.

Mr. JOHNSON. I do not want to interject myself into the debate; but this is a question that often has occurred to me, and it is one that we ought to have determined with some fair degree of certainty.

I do not understand the objection ever to be tenable except it be of personal character. That is, if the objection is to be heeded at all, it is an objection that the individual or the Senator making it takes as a personal objection and says that an appointment is obnoxious or is offensive to him. When, however, the Senator divorces that objection from the personal aspect and says, "This nomination is objectionable and offensive to me because of remarks that have been made concerning courts of the land, and is not personal at all," even upon the rigid rule that is suggested, that by no means do I subscribe to wholly, with that statement of facts—and that is the statement of facts in this case, I take it from what the Senator from Delaware has quoted and from what I heard the Senator from North Carolina say—the objection falls to the ground as an absolute bar to the confirmation of an individual that is before us.

Mr. REED. I see the Senator's point; and I felt similar trouble in construing the language of the Senator from North Carolina. He seems to be making a distinction between two uses of the same word. He says that this is not a personal objection, but the nominee is personally obnoxious. Of course, that is somewhat contradictory.

Mr. JOHNSON. Then he proceeds to say that he is personally obnoxious because he said certain things about the courts of the State.

Mr. REED. After I had listened to him a while it came to me that what he meant was that the nominee was not obnoxious because of any personal qualities but he was obnoxious to the Senator personally because of his supposed insults to the courts. In other words, it was such a personal objection as one might have to a man that he had never seen, because of some conduct.

Mr. JOHNSON. Exactly. Now, the moment that you begin to analyze reasons for this objection that is peculiar to the Senate that instant you are removing the objection itself.

Mr. REED. That is what I meant in what I first said.

Mr. JOHNSON. So it strikes me that in this instance, where the objection is based upon a definite ground that is specifically stated by the Senator, the old idea that existed in the Senate of rejecting a man because of his being offensive or obnoxious is gone, and the query is whether the objection that is made is one that should militate against the confirmation of the appointee.

Mr. REED. That is just the thing that has been worrying me all through this case.

Mr. JOHNSON. I remember—and it is no violation of what may have occurred in executive session—that one of the first executive sessions where there was a battle royal upon this subject after I came here was between the two Senators from Arkansas. I think I speak with accuracy in that regard. Some of the older Members who are here may recall the circumstance.

There was a gentleman from Arkansas then sitting here, together with the esteemed Democratic leader, and there was a struggle as to the confirmation of some particular appointee in which those two gentlemen were of opposite minds. Then it was that in executive session—the Senator from Montana [Mr. WALSH] may recall it, or the Senator from Arizona [Mr. ASHURST]—at length the question was argued as to whether or not the mere statement of an individual as to one being offensive to him should be conclusive, or whether we should go behind the statement and ascertain whether the reasons presented were sufficient to justify the statement of the individual being offensive and obnoxious. I think from that time on the rule, if rule it were—the word "custom" is better, I think, to describe it—the custom was relaxed, and it has been a long, long time since I have heard of any individual being rejected solely because some Senator said he was obnoxious or objectionable.

I know that on one occasion in rather a protracted contest I had on the confirmation of a gentleman here, it was suggested that I assert that reason and make it absolute. I declined. That, however, is a mere personal viewpoint one has in regard to the matter; and although the individual in question was not only objectionable and offensive to me but I would have been delighted publicly to have told him the reason for that opinion on my part, I never made the objection, and never could bring myself under any circumstances to make that objection, personal in character. Gradually, I think, the old rule has been relaxed, so that the objection no longer is one that is absolute in this body, but is one the reasons for which the body will determine and will insist

upon knowing the facts concerning, just as in regard to other matters.

I ask the Senator to pardon me for interrupting.

Mr. REED. Mr. President, with the permission of the Senator from Delaware——

Mr. HASTINGS. I yield.

Mr. REED. If that is so, if the Senator is expectant, having made the objection, of establishing the soundness of his reasons, he might just as well have shown his sound reasons to begin with and have never made the objection.

Mr. JOHNSON. The Senator is entirely right; but in this instance even that question does not arise, because with the objection is coupled the statement that this objection is not personal in any regard, that it is not made for personal reasons at all but is made solely because of certain utterances upon the part of the nominee. So that I think even the suggestion the Senator makes does not arise here at all, because perfectly plainly and frankly—and I think he is to be complimented upon that stand—the Senator from North Carolina says, "He is offensive and obnoxious to me, not because of any personal qualities of his, or because of any personal feeling I have toward him, or because of anything he has done to me individually and personally, but because of certain public utterances he has made."

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from North Carolina?

Mr. HASTINGS. I yield.

Mr. BAILEY. I wish to undertake to clear up the matter with reference to my attitude and my conception. Let me say very plainly that if I were assured that upon saying to the Senate that this appointee were personally obnoxious to me, and nothing more, every Senator here, upon that statement, would vote against confirmation, I would not make the statement. I never shot a bird on the ground in my life, and I am not going to do it here.

Mr. JOHNSON. Mr. President, may I compliment the Senator upon that statement? I think that statement is quite worthy of the Senator, and I am delighted to hear him make it. It is the attitude that I have always maintained here, and I think the attitude which ought to be maintained.

Mr. BAILEY. Mr. President, I have not had any other thought, and I undertook here the other day to make that clear. I would not take advantage of my worst enemy by reason of any supposed privilege vested in me by a custom. I would not do that.

Mr. REED. Mr. President, if the Senator from Delaware will yield to me, I would like to say that the Senator from North Carolina is making my path very hard. If he said simply, "This nomination is personally objectionable to me," I should vote against the confirmation.

Mr. BAILEY. I understand that.

Mr. REED. But the Senator now expressly states that he does not do that.

Mr. BAILEY. Precisely; and I am perfectly willing to stand upon that—perfectly willing.

Mr. REED. Then does not the Senator invite us to test the soundness of the reasons that are ascribed for rejecting the nomination?

Mr. BAILEY. Absolutely; and nothing else has ever been in contemplation in my mind. Let me make that perfectly clear.

The PRESIDING OFFICER. Does the Senator from Delaware yield further?

Mr. HASTINGS. I yield.

Mr. BAILEY. I think I have made the statement so far perfectly clear, but let me go further. I have stated that the confirmation of Mr. Jonas would not be personally objectionable to me on the ground of any personal relationship whatever, and that if it were, I would not bring the objection here. I would not take that advantage of anybody.

Now, the next point. I have stated that his appointment is personally objectionable to me, first, on the ground that he made a statement concerning the courts and their capacity to do justice in election cases in North Carolina which tended to bring disgrace and obloquy upon the Commonwealth, and that in that sense the appointment was personally objectionable. However, if, in the judgment of any Senator here—and I wish every Senator to get the force of this—he differs with me in that matter, there is not the remotest possibility that I will ever criticize him or have the slightest disposition to entertain resentment toward him by reason of what I conceive to be nothing more than, perhaps, a difference in point of view, or certainly a difference of opinion.

Mr. HASTINGS. Mr. President——

Mr. BAILEY. I have not finished, if the Senator will permit me.

Mr. HASTINGS. I am perfectly willing to yield to the Senator.

Mr. BAILEY. That was not the only ground, but I submit that ground to the judgment and the wisdom of the Senate without any misgivings whatever.

There was another ground, and that ground was this: That he made the statement that he was responsible for the contest in which I am engaged, and I considered that in the nature of a challenge to me. I think Senators are familiar with the language. He said, "This is my first move" or "my first step," by way of answer to the charges purporting to have been lodged by the senior Senator from North Carolina, no charges in fact having been lodged in any specific way.

Again, there is another ground of personal objection and personal obnoxiousness, in that he uttered what has been designated here by distinguished Senators, and very notable and capable lawyers, a libel, which has two aspects. It was the senior Senator from Pennsylvania who stated that the language with reference to Senator NYE was libelous in character; and if libelous with respect to him, it was libelous with respect to all the other members of the so-called Nye committee. But look at the other side of it. If it is libelous at all, it is equally libelous of the Democratic Party. He said that the Nye committee ought to have been paid by the Democratic Party. The libel reaches to both parties to the statement.

There are three grounds which I laid, and I laid them subject to the judgment of every Senator here, and with never a thought that the day will ever come when in my capacity as Senator I will undertake to defeat any appointment here by rising and merely saying that the appointment is personally obnoxious to me.

I hope, Mr. President and Senators, that I have cleared this matter absolutely, but if I have not, and any Senator wishes to ask me a question, I will take the greatest pleasure in answering it.

Mr. HASTINGS. Mr. President, before resuming my speech, I particularly want to thank the Senator from Pennsylvania [Mr. REED] and the Senator from California [Mr. JOHNSON], who have had long experience in the Senate, for their discussion of this rule. I might say, in this connection, that I have not intended, during my remarks, to reflect in any way upon the Senators from North Carolina, and I have not intended in any way to reflect upon the State of North Carolina, nor even the laws of North Carolina. I have only stated what other people, people living in that State, have said, which I believed it was necessary for me to do in order to make the position I have taken perfectly clear.

I want to say, as an excuse for taking up the time of the Senate, that it was my belief that there was a misunderstanding on the part of the Senators as to the nature of this objection made. As I read the RECORD, I could not conceive of the Senate adopting any such rule as that.

I want to make this general observation in response to the Senator from Pennsylvania, that I should be in very much greater difficulty, if I believed as thoroughly in this rule as he does, if the Senator from North Carolina merely rose in his place and said, "I object because this man is personally obnoxious to me," and nothing more.

The difference between that position and the position he has taken is this: In the first case he assumes the whole responsibility; but as he puts it now, he puts the whole responsibility on the Members of the Senate, and they must

ascertain for themselves whether that is a good objection or whether it is not.

I think it is probably true that in the days gone by, when we had executive sessions with closed doors, and the people on the outside knew not what was going on inside, it was not a particularly difficult thing for a Senator to rise in his place and say, "This nominee is personally objectionable to me," and for the Senate forthwith to refuse to confirm. But if we adopt the rule as it was adopted, and the nominee is rejected upon any such ground as the Senator from North Carolina stated, I am not at all certain that the open executive session will not force us to abolish that practice entirely.

I do not believe the people of this country are going to permit the personal pique of an individual Senator to defeat the nominee of a President for any office. I do not believe the people of this country are going to permit the personal pique of an individual Senator to defeat, perhaps, the opinion of 95 other Senators who sit in this body, and who have a duty with respect to that matter.

Mr. LONG rose.

Mr. HASTINGS. Just a moment. I want to say that I here am classed as a reactionary, probably because of my love for old principles and established precedents; but I want to say at this time that if this rule is to be construed in any such way as this, I shall not hesitate to run away from a practice that is fraught with so many evils that it would be difficult to enumerate them in a speech like this.

Now I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, this man, according to the Senator from North Carolina, published a statement in which he said that he foisted upon the Senate an election contest because his nomination was opposed here in the Senate by the Senator against whom the contest is lodged. Considering the many thousands of dollars of expense to the Government of the United States involved in a contest of that kind, brought by this man whose nomination is before the Senate for confirmation, does it not seem to the Senator that the pique would come from the other man, who brought here apparently a personal quarrel of his own as a shield to his own matter, which has cost the United States Government, and the Senate, out of its expense fund, probably as much as forty or fifty thousand dollars?

Mr. HASTINGS. Mr. President, I am trying to find in the record just what it was from which the Senator from North Carolina drew the impression that Mr. Jonas was responsible for the contest to which the Senator referred. I find it on page 21. Mr. Jonas replied:

> That is my first step in vindicating myself.

That is the language complained of. The comment on it by the junior Senator from North Carolina [Mr. BAILEY] is as follows:

> Thus admitting that the contest was instituted by him not in good faith, but as a measure of retaliation and apparently for the purpose of bringing about support of the confirmation of his appointment by me.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Wisconsin?

Mr. HASTINGS. I yield.

Mr. BLAINE. With the Senator's permission, may I say that he will find the report quite fully set out on pages 12 and 13 of the hearings.

Mr. HASTINGS. Yes. I will read from the record of the hearings at page 12, and I thank the Senator for calling my attention to it.

It is absolutely denied by Mr. Jonas that he had anything to do with it. It is denied by Mr. Pritchard, who is making the contest, and by the chairman of the Republican State executive committee. I quote from a statement made by them as follows:

> The senatorial contest was filed by me because of information which I received after the 1930 election. Jonas did not inspire it. His confirmation had nothing to do with my action. I brand as absolutely false any such intimation.

I do not think it is worth while to discuss that. The most it would bring out in the debate would be a mere possibility of his having that in mind.

I want to say that I am about to close what I have to say upon the subject, and in doing so I want to read the last paragraph of an editorial appearing in the New York Times of Sunday a week ago, a lengthy editorial upon this subject which ends by saying with respect to the action of the Senate:

> And so at last the truth was disengaged from a monstrous deal of virtuous fiddle-faddle.

Mr. President, again I want to call attention to the character of the man who was nominated for this position by the President. I call attention to the fact that he practiced law in the State of North Carolina for a period of 26 years, that he served two terms in the State senate of his State, that he served one term in the house of representatives of his State, that he served one term in the Congress of the United States, that he was twice elected by the Democratic legislature of his State as a trustee of the North Carolina University, that he was city attorney for his city, that he was a member of the board of education of his city, that he was a member of the bar association of his State, that he was a member of the American Bar Association, and that he was the Republican national committeeman of his State.

I suggest that is a record of which any Member of the Senate might very well be proud. But I inquire what has happened to him? He has been whipped out of public life by the great power of the United States Senate and upon the plea of one of its Members that he is personally obnoxious to him, a lash which I submit should be used sparingly at all times and ought never to be used if it has in it the least bit of partisanship or the signs of partisanship.

Let us remember that not a word has been said against this man's character. He has a record as a legislator that is commendable. He has a record as an educator that is commendable. He has a record as a prosecuting officer that is commendable. To ultimately reject him, I respectfully submit, adds no particular prestige to the Senate. On the other hand, basing my opinion upon the character of the testimony and the objections that have been made, his rejection will give the impression that the United States Senate takes itself entirely too seriously and has an exaggerated notion of its own importance, and that it has a sensitiveness to criticism which it readily forgets in its attacks upon others, and lastly is willing to do injustice to a fellow citizen and offend the whole Nation, if need be, rather than to do something that is personally obnoxious to one of its Members.

Mr. MORRISON. Mr. President, the sole objection to Mr. Jonas is not that he is personally obnoxious to one of the Senators from North Carolina. Whatever may be the tradition of the Senate upon that question and whether or not my colleague's statement brings it under the practice usually respected by the Senate I shall not at this time debate. But whether he is within the definition "personally obnoxious" to one of the Senators from North Carolina or not, he is very objectionable to both of the Senators from North Carolina, and for good reasons. We think that that should appeal to the consideration of the Senate, whether there be matters here that bring it under the practice referred to or not.

The Senator from Delaware [Mr. HASTINGS] seems to assume that the nomination of Mr. Jonas was not consented to by the Senate the other day on account of the statement alone of my colleague [Mr. BAILEY]. Quite a number of Senators said at the time that they did not agree with the definition of the practice which had been given, but nevertheless were opposed to Mr. Jonas upon grounds assigned by them.

Mr. Jonas is very objectionable to me because I have become convinced that he is not a fair man and such a devotee of justice that he ought to be intrusted by the President, by and with the consent of the Senate, with the administration of justice. I have known him a long time.

I know all about him. I want to read to the Senate the manifestation of his nature which caused me to come to the final conclusion that he ought not to be intrusted with this position connected with the administration of justice. I hope every Senator will listen to it and apply it to his own State and see, if it had been said about his State, what position he would take about it without any of the hair-splitting definitions of "personally obnoxious," and so on. I read from a copy of the paper appearing in the record of the hearings instead of the original paper itself. I wanted to read from the paper itself, but it seems to be out of the hands of the committee. Said Mr. Jonas in this newspaper article:

Representatives of the Nye committee continue to assemble evidence of alleged frauds in the 1930 primary and general elections in North Carolina. What the committee will finally do about the North Carolina situation no one seems to know.

Thus he was making statements of the desperate character, which I shall call to your attention, showing a total misconception of those principles of justice that ought to control all men in all situations.

What the committee will finally do about the North Carolina situation no one seems to know.

And yet he proceeded to say this about it:

I have never met or spoken to Senator NYE, or any other member of the committee, in my life. I have never believed Senator NYE intends to seriously investigate the North Carolina case if he can help it. If the Democrats did not pay him to come to the State and, without any serious effort to secure evidence, give out a statement that the situation in the State is "refreshing," then they, at least, owe him a debt of gratitude. Never was there a plainer case of an attempt to whitewash.

Who was on that committee? There is no reason why a man who wants to help administer justice should so assail the honor and fame of the Senator from North Dakota [Mr. NYE]; but who else was on the committee? At one side of the Senator from North Dakota at the hearing sat a great Republican Senator from the State of Missouri [Mr. PATTERSON] and the Senator from New York [Mr. WAGNER], a great Democratic Senator, there solemnly under oath performing a duty, and yet Mr. Jonas said:

Never was there a plainer case of an attempt to whitewash.

Why did he say that? Does anybody believe it was true? Is there a man in the Senate who believes that statement was the truth? I submit that not even the Senator from Delaware [Mr. HASTINGS] would for one moment credit it; and yet that is what Mr. Jonas said.

I am not concerned with this assault upon the honorable committee of the Senate alone, but through this it was an assault upon the integrity of North Carolina and its election officials and, coupled with what follows, a terrible assault upon the courts of that State and their integrity. It does not make any difference to me about the "personally obnoxious" suggestion. I think that statement by Mr. Jonas showed a lack of the very first qualification for a judicial position. His statement continued:

He is a fiend for publicity, as are all the sleepy-eyed, dreamy "sons of wild jackasses" in the Senate.

He wants to help administer justice in a State in which there is no justice, according to his statement. He wants to be United States district attorney, and yet he made that assault. Why did he do it?

He could cuff old Vare and other regular Republicans around with impunity, and the press and politicians, including those in North Carolina, would rollick with glee and bid him "Lay on, Macduff."

I do not know anything about that. I never heard of it.

But when he came to North Carolina and innocently asked those charged with fraud whether they had been naughty, he got not only a frost and newspaper reminder that he had no business "meddling with our affairs," but also a fatherly lecture from the witness stand to the effect that North Carolina has 100 counties and, after all, $100,000 is not an enormous sum as election matters go. And NYE apologetically exclaimed through the press "How refreshing!"

The Senator from Missouri [Mr. PATTERSON] would not be classified as the "son of a wild jackass" or a fiend for publicity. He sat and said nothing under this nefarious influence that controlled them.

And moved on to where the right kind of publicity awaited.

He went out to see about Senator NORRIS'S case, where greater publicity would be attracted.

True, he found in one day evidence of a number of substantial expenditures in behalf of the successful senatorial candidate not accounted for in his sworn report, but the atmosphere was too drab for him to linger when Nebraska offered so much more excitement of the kind he was seeking.

* * * * * * *

The Charlotte News rightly said a few days ago that there should be a complete investigation—

Of these false charges—

but when, how, and where?—

Asks Mr. Jonas—

There is little use to depend upon the Nye committee—

Composed of great Republicans and great Democrats under oath—

Besides, our Democratic friends do not desire that committee to nose around too much in the State. Criminal actions in the courts are out of the question, if for no other reason than the multiplicity of actions and enormous expense and time required if private citizens should undertake this method. Further, the case of double voting by Doctor Avery and wife at Maiden and the registrar case at Shelby completely show the futility of pursuing this course—

That is, resorting to the courts—

The solicitors of the State could wake the dead if they were minded to perform great public service, forget politics, and sift these charges to the bottom in an impartial and nonpartisan way. But will they?

There have been great Republican solicitors in that State ever since the Civil War. I shall not read any farther.

This man is the head of a political machine, and his character is disclosed in this article, for on the very eve of his appointment to this office to help administer justice he emits this horrible onslaught on well-nigh everybody. I submit that he is objectionable to the Senators from North Carolina on good grounds, and the fact that the objection is not personal in character ought to add weight to it, it seems to me.

The Senator from Delaware tries to prove by what he has read I am inconsistent. The Senate heard my remarks. If Mr. Jonas was being unjustly assaulted here as a citizen of my State, I would defend him, Mr. President, even though he is a Republican.

The Senator cites the McNinch case. Yes; for political tolerance in my State I jeopardized my election to this great body. I am proud of having done so, and would do it again to-morrow under similar circumstances. I deny that my opposition to the confirmation of Mr. Jonas is based on mere political grounds; it is based upon the ground that he has unjustly and unfairly assaulted many things that I hold dear, and I believe has displayed utter unfitness for the office to which the President has appointed him.

Are we opposed to Mr. Jonas merely because he is Republican? The Senators from North Carolina voted with pleasure to confirm a Republican as district attorney in the adjoining district a few days ago, and when Mr. Clegg, the leader of the Republican Party in the county of Watauga, to whose elections reference was made the other day, was appointed marshal, the Judiciary Committee was notified that my colleague [Mr. BAILEY] and I heartily approved of the appointment and of his confirmation. Two or three gentlemen are under consideration now to succeed Mr. Jonas. I know well two of the leading candidates, either of whom it will give me pleasure to vote to confirm, but Mr. Jonas, in my opinion, ought not to be appointed to assist in the enforcement of law, because he has shown a reckless disregard of justice and fairness that disqualifies him for that duty. So the Senators from North Carolina earnestly protest against his confirmation by this body.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question is on agreeing to the motion of the Senator

from Delaware [Mr. HASTINGS] to reconsider the action of the Senate in rejecting the nomination of Charles A. Jonas.

Mr. MORRISON. Mr. President, I call for the yeas and nays on the motion.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Costigan	Hebert	Pittman
Austin	Couzens	Howell	Reed
Bailey	Cutting	Johnson	Robinson, Ark.
Bankhead	Dale	Jones	Schall
Barbour	Davis	Kean	Sheppard
Bingham	Dickinson	Kendrick	Shipstead
Black	Dill	Keyes	Shortridge
Blaine	Fess	King	Smoot
Borah	Fletcher	La Follette	Steiwer
Bratton	Frazier	Lewis	Thomas, Idaho
Brookhart	George	Logan	Thomas, Okla.
Broussard	Glass	Long	Townsend
Bulkley	Glenn	McGill	Trammell
Bulow	Goldsborough	McKellar	Tydings
Byrnes	Gore	McNary	Vandenberg
Capper	Hale	Morrison	Wagner
Caraway	Harrison	Moses	Walcott
Carey	Hastings	Norbeck	Walsh, Mass.
Connally	Hatfield	Norris	Walsh, Mont.
Coolidge	Hawes	Nye	Wheeler
Copeland	Hayden	Oddie	White

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

Mr. REED. Mr. President, I feel obliged to state in a few words the reasons for the vote I expect to cast on this motion to reconsider.

If either Senator from North Carolina will assert to the Senate that this nominee is personally obnoxious to him, I shall vote against confirmation and vote against reconsideration; but if they do not do that—and I understand the junior Senator from North Carolina [Mr. BAILEY] now to tell us that he will not make that objection—he puts me in a very different position from that in which I was on the original vote.

Mr. BAILEY. Mr. President, I should like nothing better than to make my position perfectly clear to the distinguished Senator from Pennsylvania.

I stated that Mr. Jonas was personally obnoxious, and that is in writing and in the RECORD; but I stated the grounds. Now, I most respectfully submit—and I mean those words—with the utmost respect for the judgment and the wisdom and the character of the Senator, I submit those grounds to him. If he finds them insufficient, I have no quarrel with him. If he finds them sufficient, as I have, I am that much more pleased.

Mr. REED. Ah! but then why does the Senator use the words "personally obnoxious" at all? If he has reasons against the confirmation, all well and good; let us weigh the reasons; but the fact of the nominee being personally obnoxious to him or not does not seem to me to enter into the case at all. If he puts it on the ground of a disqualification of this nominee because of what he has done, that is one thing. If he puts it on the ground of his being personally obnoxious to him, that is something totally different, so far as I am concerned.

Mr. BAILEY. Mr. President, let me respond to that.

Mr. REED. In other words, it depends on where the responsibility lies. If the Senator from North Carolina will assume the responsibility of saying this nominee is personally obnoxious, then I vote with him; but if he puts on me the responsibility of saying whether this man's newspaper interview is a sufficient reason for rejecting him, I should be forced in all honesty to say "no," I do not think it is a sufficient reason.

It just depends on where that responsibility lies, and according to the action of the Senator from North Carolina in assuming it or passing it to me. In other words, I offer him my vote if he will take the responsibility and make the objection on that ground.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania further yield to the Senator from North Carolina?

Mr. REED. I yield.

Mr. BAILEY. I am not undertaking to impose a responsibility upon the senior Senator from Pennsylvania. I am sure he knows that. I hope he understands it.

Mr. REED. Of course, if I am to decide on the merit of his reasons, naturally there is a responsibility on me as well as on every other Senator.

Mr. BAILEY. Unquestionably there is; but I am in the position of having stated that the appointee is personally obnoxious, and having clearly stated the grounds, and having submitted them to the Senate.

Mr. REED. No; that raises two questions. The Senator first asks me whether I will honor his personal objection, and I unhesitatingly say I will. Then he asks me a second question, whether I think he is right in making the objection; and I must confess that if I were in his shoes, I would not make it, but in casting a single vote I have no way to answer the two questions.

Mr. BAILEY. Mr. President, I understand that the Senator's position is that he would vote against the confirmation if it were simply stated that the appointee was personally obnoxious, and nothing more were stated.

Mr. REED. Exactly; that is what I would do.

Mr. BAILEY. And that is the Senator's conception of the senatorial privilege here.

Mr. REED. That is right.

Mr. BAILEY. That may be. I heard the very clear statement made by the senior Senator from California [Mr. JOHNSON], and that was not his view.

Mr. REED. The Senator likewise heard the statement made by the Senator from Indiana [Mr. WATSON] who stated clearly that that was his view, and voted against the confirmation solely because the objection had been made, as he understood it.

Mr. BAILEY. And upon a statement that was almost precisely similar to the statement I made this morning—not going into the fullness of it, but a statement that he was personally obnoxious and on the ground as stated. Now I have reiterated that. Without intending in the slightest degree to impose upon the senior Senator from Pennsylvania any responsibility, and with a perfect willingness to assume my full share of the responsibility, having the conception that was expressed by the senior Senator from California, I could not do otherwise.

Then I have another conception, and while I am on my feet let me state it clearly.

I think, Mr. President, there is a law certainly as high as the moral law, and in some aspects of it superior in its appeal to the moral law, and that is the law of sportsmanship. As I said just now, I have been bred to believe that a man should not shoot a bird on the ground, or a rabbit in the brush, or a duck in the water; and I do not propose to take advantages like those. That is my difficulty here. It is not with any intention of transferring a responsibility upon any other Senator or upon the Senate as a whole, but wholly with a view to being fair, to being perfectly clear, and not taking any undue advantage of any human being.

That is as clear as I can make it, but I think I have already made it perfectly clear to the Senator that in whatsoever way he discharges his duty here he will have the utmost respect. There is no question about that.

Mr. REED. Mr. President, we have to do our duty, regardless of the consequences to ourselves.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. REED. I yield to the Senator.

Mr. GLASS. I have no interest in this nomination other than that which attaches to any Senator. I have not followed as closely as I might have done the debate, but I have been somewhat astonished at the apparent change of attitude on the part of the senior Senator from Pennsylvania.

Mr. REED. Mr. President, if the Senator had been here an hour ago or half an hour ago and had heard the statement made by the Senator from North Carolina [Mr. BAILEY], he would not be astonished. The Senator from

North Carolina then stated that if he knew he could block this nomination by merely rising to his feet and saying, "This nominee is personally obnoxious to me," he would not do it.

Mr. GLASS. But I understood the senior Senator from Pennsylvania the other day to state that he would not regard an objection of that sort; that his objection to this nominee was that he had bitterly aspersed the courts of his own State.

Mr. REED. Not at all. I have the RECORD here.

Mr. ROBINSON of Arkansas. Mr. President, I call the Senator's attention to page 6727 of the CONGRESSIONAL RECORD. On that page, bottom of the first column, the Senator from Pennsylvania made this statement:

> According to the Senators from North Carolina, this nominee has spoken ill of the courts of his own State. He has denied their integrity. He has reproached them for an unwillingness to administer justice; and he has admitted that those charges were wholly unfair and unfounded, and has said that he has no evidence to sustain that attack upon the integrity of the courts. If that statement were made without warrant about the courts of my own State of Pennsylvania, I should unhesitatingly rise to my feet here and say that the nominee was wholly obnoxious to me; and I should ask the Senators, regardless of party, to deny him the confirmation of his appointment. It is not a question of party. It is a question that goes to the very integrity of the operation of our Government.
>
> It is upon that ground, and because the Senator from North Carolina has stated that this nominee is personally obnoxious, because he has flaunted and insulted the courts of that State without warrant, without excuse, that I feel myself justified in voting against this confirmation.

Mr. REED. That is exactly my position to-day. Now, then, if the Senator does not make the personal objection—and I understood him half an hour ago to say clearly that he did not and would not—if he does not, he throws upon me the responsibility of deciding whether this man's statement should justify the refusal of confirmation.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator pardon me?

Mr. REED. I yield.

Mr. ROBINSON of Arkansas. I call the Senator's attention to the fact that on March 23, when he made the remarks I have just read, he said that the nominee would be personally obnoxious to him because of the nominee's attack upon the courts of the State, and that he would make the personal objection, and upon that ground as well as upon the ground that the Senator from North Carolina had made a personal objection he would ask all Senators to join him in rejecting this nominee.

Mr. REED. Why, surely.

Mr. ROBINSON of Arkansas. The point is that the Senator from Pennsylvania did not rest his opposition to the nominee solely on the ground that the Senator from North Carolina had stated that the nominee was personally obnoxious. He rested it first upon the ground that the nominee had made an unwarranted attack upon the courts of his State—an attack which would have justified him in making a personal objection if the nominee had come from his own State.

Mr. REED. Precisely.

Mr. ROBINSON of Arkansas. Then he did add to that the declaration that upon the first ground and upon the objection of the Senator from North Carolina he would oppose the nomination.

Mr. REED. I made it perfectly plain that, according to the Senators from North Carolina, this man had insulted their courts; and because, according to them, he had insulted their courts, and because they made the objection that he was personally obnoxious, I felt it my duty to vote against the confirmation; and I will do it right now if either Senator will rise here and tell us that this man is personally obnoxious to him.

Mr. WALSH of Montana. Mr. President——

Mr. REED. I yield to the Senator from Montana.

Mr. WALSH of Montana. I should like to divert attention from this feature of the matter for a moment to another.

I spoke upon this subject the other day, when the nomination was under consideration. In the course of some remarks which the Senator from Pennsylvania made at that time, he said that we are all open to repeated attacks, slanderous, libelous in their character, and that most of us take the view that those attacks are best met by entirely ignoring them.

I think, though, that if the Senator had thought of that matter more carefully, he would have made some distinction. Of course, there are many things that are libelous, subjecting a man to ridicule or possibly to personal financial damage; but, really, Mr. President, I wonder if the fact is that the Members of the Senate are frequently charged with being corrupt, and entirely ignore charges of that character.

Mr. REED. Mr. President, we would have no public usefulness if we undertook to punish statements about our corruptibility that are made every day.

Mr. WALSH of Montana. No; but that is rather aside from the question. I quite agree that a man might libel a Member of the United States Senate without that justifying his rejection for a public office for which he was nominated by the President. I do not know how anyone else may regard the matter; but where anyone, without any justification or attempt to justify the statement, charges that a United States Senator is corrupt, and makes no defense whatever of the charge, I, for myself, would not elevate him to public office.

Mr. REED. I think that Mr. Jonas's interview which he allowed to be released to one newspaper went much too far. I agreed with the Senator the other day when I said that I thought his reference to Senator NYE was libelous. But we have to allow a lot of tolerance to a disappointed candidate just beaten for reelection. He does not look with favor upon the law, any more than the "thief who feels the halter draw"; and he pretty generally lays about him, and blames it on the election boards, and the corruption of his adversaries, and what not. We have seen that happen in all parties.

Mr. WALSH of Montana. That means that we should look lightly on the frailties of human nature.

Mr. REED. I think so; I am sure the Senator agrees with me in that. Mr. Jonas was angry, and he was angry at everybody, according to his statement. He seems to have laid around about him without much restraint. I forgive him that.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. GLASS. I do not find that there was no excuse for my interpretation of the attitude of the Senator from Pennsylvania on last March 23. He said distinctly that he would not vote against the confirmation of a man here because he had insulted or libeled or slandered a Senator, but he says now that he would vote against the confirmation of a man if the Senator thus libeled or insulted or slandered should say that the nomination was personally obnoxious to him. I would like to have the Senator from Pennsylvania indicate what would make a man personally obnoxious to him.

Mr. REED. The Senator from Virginia is a little bit confused as to what happened. This man was opposed for two reasons, one that he had libeled Senator NYE. Senator NYE comes from North Dakota, not from North Carolina. He has not said that the nomination is personally obnoxious; and if he did, I would not accord him the privilege of vetoing it, which I would cheerfully accord to either of the Senators from North Carolina.

If the nomination were made of somebody from North Dakota for an office to be executed in North Dakota, and Senator NYE made the objection, and said that he had been libeled, I would honor his objection, but not in some other State than his own. There is no question of anybody libeling the Senator from North Carolina.

Mr. GLASS. No; but there is a question of somebody bitterly assailing and libeling the courts of the State of North Carolina, upon which the Senator from Pennsylvania, as I understood him, grounded his opposition to this nomination.

Mr. REED. Yes; and now let us get away from the libel, because the Senator sees that has nothing to do with it.

Mr. GLASS. No; I do not see it. The Senator from Pennsylvania sees it, but I confess he has a more discerning mind than mine.

Mr. REED. I tried to make it clear, and evidently without success.

Mr. GLASS. It is my fault that the Senator did not make it clear to me.

Mr. REED. Oh, no; I do not mean that; I meant that the other day I tried to make it clear, and evidently without success, that these gentlemen having assigned their reasons, having stated that, as they viewed it, this man had insulted the courts of his own State, and having followed that with the statement that he was personally obnoxious, that ended the matter for me, and it does yet.

Mr. GLASS. The Senator from North Carolina has said that here to-day.

Mr. REED. On the contrary, he has risen this very morning to say that he does not object, and would not object, on that ground.

Mr. GLASS. He said 15 minutes ago that this nomination was personally obnoxious to him, and the reason he gave for it was the very reason the Senator from Pennsylvania gave for opposing him.

Mr. REED. Exactly; and then he followed that with the statement that if Senators did not approve his reasons, did not agree with him in making the objection, would not do it if they were in his place, then we should vote against his contention.

Mr. GLASS. Well, but the Senator from Pennsylvania absolutely accepted his reasons for considering the nomination personally obnoxious to him.

Mr. REED. Absolutely; and I will do it again to-day. But I am invited, first, to heed his objection, and next I am invited to weigh its merits; and that is the trouble. If that is not plain to the Senator from Virginia, it is to me; and that may be because I am confused.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. ROBINSON of Arkansas. I wish to point out to the Senator from Pennsylvania that the statement made by the Senator from North Carolina [Mr. BAILEY] upon this point this morning is almost identical with that which he made when the case was up for consideration before.

On page 6724 of the RECORD of March 23 I find this language in a speech by Mr. BAILEY:

> Again, Mr. Jonas, in this article, attacks the courts of the Commonwealth of North Carolina, and, so far as I am concerned, that is the gravamen of his offense. I do not hesitate to say that if he had attacked me personally I would not have filed objections to him on that account. If he had reflected upon me in a political campaign, I would have taken it as in the ordinary course of politics. If he had very greatly offended me personally, I can not conceive that I would be willing, and I do not think in the term that I shall serve here I shall ever be willing, to use the high privilege that is vested in a matter of this sort by way of venting anything that is personal or anything that is political. I hope the years which are to follow will justify the statement I have made.
>
> When Mr. Jonas, however, publishes to the world that justice can not be had in the courts of the Commonwealth which I represent here with my distinguished colleague, that is personally obnoxious to me; I resent it, I abhor it, and it moves me to throw everything I have in the way of personal resentment against the exaltation of the man who will deliberately utter words tending to bring obloquy and disgrace upon the courts of the Commonwealth of North Carolina.
>
> That is plain language. But I say here the most precious possession of my Commonwealth is the honor of its courts and the confidence of its people in the administration of justice there.
>
> Was the accusation of Mr. Jonas wanton? His own statement to the committee admits that he had no evidence and that he knew of no dereliction of duty.

May I point out to the Senator from Pennsylvania that the Senator from North Carolina repeated that statement, in briefer language, while the senior Senator from Indiana [Mr. WATSON] had the floor. The Senator from Indiana said:

> Mr. President, I heard somewhat indistinctly a portion of what the Senator said. I want to ask the specific question whether or not after having submitted this case in all its phases, he is willing to stand on the floor of the Senate and make the statement that this nomination is personally offensive and personally obnoxious to him?
>
> Mr. BAILEY. I made that statement and explained exactly why—not personal in a personal sense and with no intention whatever to use any power or privilege in this body in a personal way, but personal in the sense that he has offended against my Commonwealth wantonly and unjustly.

That statement is not substantially different from the statement the Senator from North Carolina [Mr. BAILEY] made this morning, and it is not substantially different from the statement which the Senator from Pennsylvania made, which he was good enough to permit me to read.

Mr. REED. Mr. President, I am not sure that the Senator from Arkansas was in the Chamber at the time, but about an hour ago the Senator from North Carolina, if I heard him correctly, rose and stated that if he knew he could stop this nomination by the simple statement, "This is personally obnoxious to me," he would not make that statement; and that left me absolutely in the air. In other words, I believe that what this man Jonas said about the courts of North Carolina is not sufficiently serious to deny him confirmation. Evidently a majority of the Democratic judges in his own district think as I do, because they have written in letters of recommendation.

Notwithstanding that, because of the custom that has obtained in the United States Senate since the creation of this Government, if the Senators from North Carolina, or either of them, will rise and say, "I accept the responsibility of construing this man's language, and I construe it to be an insult to the courts, and because of that I take the responsibility of saying this nomination is personally obnoxious," then that closes the case for me, and I shall vote against the confirmation.

Mr. WALSH of Montana and Mr. BAILEY rose.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. In just a moment I will yield to each Senator.

It is merely a question as to where the responsibility rests for weighing the nominee's fitness. If the Senator from North Carolina will assume that responsibility and exercise the power that is in him as a Member of this body, I will vote against the nomination. Otherwise, I will be compelled to say that I do not think that what this man said, in the heat of his anger, about the fruitlessness of appealing to the courts in election cases, is sufficiently serious to justify me in voting against him.

I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, some of these distinctions have become so very fine that I find it difficult to follow them. A man may be personally obnoxious to me because of some injury he has done to me personally which has no reference whatever to public affairs at all. It is a personal quarrel I have with him. He may be personally obnoxious to me, not because he has done any damage to me at all, but because he has mistreated some one else and has acted in a detestable way, so that I really abhor the man. Again, he may have libeled my State, and he may be personally objectionable and obnoxious to me for that reason. Or he may be personally obnoxious to me for half a dozen reasons. Whatever it may be, if he is personally obnoxious to me, the rule or custom applies.

So here, as I understand the Senator from North Carolina, this man is not personally obnoxious or objectionable to him because of any harm he has done to him or any harm he has done to any of his friends, or because of any act of his that is detestable in character, but because he has libeled his State and the courts of his State he is personally obnoxious to him. Is not that, from the public point of view, a very much better ground than to reject him just simply because of a personal quarrel he has with the Senator from North Carolina?

Mr. REED. Mr. President, here is the difference. I have said that I will honor the objection if it is made by the Senator; and let me explain.

This is not so trivial and foolish a custom as it sounds. We know the people of our home States better than the President of the United States possibly can know them. There are occasions when the assertion of this privilege we have built up here through custom is of great advantage to the people of the United States. There are occasions when injury might be done to innocent people by narrating in detail the reasons for our objections. Fortunately, we do not have to do it often, because we generally are given some opportunity by the appointing power to make known such objections if they exist. But it is not as senseless a custom as it may sound to some people who hear us discussing the present case.

If only the Senator from North Carolina will make his position clear, the whole thing will be simple. If he will rise and say, "I am exercising the privilege of a Senator to appraise the nominee from my State, and to appeal on the ground of his personal offensiveness, for the reason I have stated," and rest his case on that, I unhesitatingly will vote with him. If he says, as he did say some time this morning, that "I am asking the Senate to weigh the justice of my complaint," then he is putting his objection on a totally different ground. All I am trying to find out is, what is he doing? Is he exercising the privilege I concede to him as a Senator or is he inviting me to appraise the soundness of his objections? In the first case, I will vote with him; in the second, I can not.

Mr. BAILEY. Mr. President, with no intention whatever of trying to get a vote but with the best of intentions of trying to be perfectly fair and candid in this matter, I have stated in writing in a formal communication lodged with the committee that the appointment of Mr. Jonas is personally obnoxious to me.

Mr. REED. Does the Senator renew that statement here and now?

Mr. BAILEY. Precisely.

Mr. REED. Very good. Then I shall vote against the nominee.

Mr. BAILEY. One step farther. I want to be fair. I am not going to change my attitude in the slightest degree. I have given my reasons. and I have stated that they were in no sense personal to myself. I made that perfectly clear, too.

Mr. REED. It was perfectly clear the other day; it was not so clear this morning.

Mr. BAILEY. I think I gave the three reasons in my remarks this morning. I shall not go back over that ground.

Mr. REED. Then the Senator invited us to weigh those reasons.

Mr. BAILEY. I exercised my judgment and assume my responsibility, and communicated that first to the committee and then to the Senate. Now, if the Senator wishes me to pause there, or if any other Senator does, and to thrust the responsibility upon me, I cheerfully accept it.

Mr. REED. Very good. That settles it for me.

Mr. BAILEY. Wait! I have not finished. I am going to be perfectly fair about this.

Mr. LONG. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Louisiana?

Mr. BAILEY. Certainly.

Mr. LONG. That states the Senator's case, does it?

Mr. BAILEY. Not fully. I was just completing my statement. If any other Senator differs with me in that I gave assurance on the floor of the Senate this morning, as I intend to give it as long as I live and serve in this body, or any other body of men, I shall respect their judgment. That was the object of my remarks this morning; and I shall accept their judgment without the slightest resentment or tendency to criticize or thought of misgiving.

Mr. REED. If I may suggest to the Senator, that sort of forbearance we all have to use; otherwise no one of us would be speaking to any of the other 95 after about a month of service in the Senate.

Mr. BAILEY. I will say at this point, if I may take the liberty of doing so, that in the brief period I have been here I have been more impressed with the tolerance that is exercised in this body than I have with any other of its activities or inactivities. I do not intend, so long as I am a Member of this body, to take any position that does not tend to sustain that very noble and very beautiful attribute of the Senate.

Now, I hope, Mr. President, that I have made myself clear about the matter, but if I have not any Senator, as I said, should feel at perfect liberty to ask me questions.

Mr. BORAH. Mr. President, when I came to the Senate, the rule or custom which has been under discussion to-day was practically an unbroken one. So far as my information goes, up to that time it had been universally applied, but since that time it has been broken a number of times or disregarded. I want, therefore, to say just a word in explanation of my vote.

I think the able and candid Senator from North Carolina [Mr. BAILEY] has brought himself within the rule, but I do not recognize the rule. I have not recognized it during the last 12 years. I became convinced it was unsound and not in the public interest. If the rule or custom is to be invoked and universally accepted, it is one thing. But broken as I have seen it done half a dozen different times, I do not think it is a safe guide or a safe rule to follow. But even if unbroken, is it a wise or just rule? The public is interested in just one proposition and that is whether the nominee is one who would be a fit public servant. Is he able, is he a man of integrity? The public is not interested in whether I like him or dislike him, or whether he is personally obnoxious to a Senator, or whether he is not. In my opinion there is only one safe rule the Senate can apply, and that is whether the nominee is a fit man to fill the place, not whether he is objectionable to some one.

I can well understand how the Senator from North Carolina could argue, and argue with force and logic, that this man is unfit to fill the position because of the fact that he libeled or slandered the institutions of the State wherein he seeks to hold public office. That would be a perfectly legitimate and logical position to take, and one might be induced to vote against a man who had taken the position that Mr. Jonas is alleged to have taken as to the courts of the State; but it would not be a personal matter with me. Therefore in casting my vote I wish it understood that I am not recognizing the rule or custom which is sought to be invoked in this instance. I think when we place our objection on personal grounds we lose sight of the public interest.

Mr. HASTINGS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Costigan	Hebert	Pittman
Austin	Couzens	Howell	Reed
Bailey	Cutting	Johnson	Robinson, Ark.
Bankhead	Dale	Jones	Schall
Barbour	Davis	Kean	Sheppard
Black	Dickinson	Kendrick	Shortridge
Blaine	Dill	Keyes	Smoot
Borah	Fess	King	Steiwer
Bratton	Fletcher	Lewis	Thomas, Okla.
Brookhart	Frazier	Logan	Townsend
Broussard	George	Long	Trammell
Bulkley	Glass	McGill	Tydings
Bulow	Glenn	McKellar	Vandenberg
Byrnes	Goldsborough	McNary	Walcott
Capper	Gore	Morrison	Walsh, Mass.
Caraway	Hale	Moses	Walsh, Mont.
Carey	Harrison	Norbeck	Wheeler
Connally	Hastings	Norris	White
Coolidge	Hatfield	Nye	
Copeland	Hayden	Oddie	

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

Mr. HASTINGS. I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Delaware [Mr. HASTINGS] to reconsider the vote by which the Senate

refused to advise and consent to the appointment of Charles A. Jonas to be United States district attorney for the western district of North Carolina, on which the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLENN (when his name was called). I have a general pair for the day with the junior Senator from West Virginia [Mr. NEELY], and therefore refrain from voting. If permitted to vote, I should vote "yea."

Mr. JONES (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. SWANSON], and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. KEYES (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. HULL], and so withhold my vote. If permitted to vote, I would vote "yea."

Mr. TYDINGS (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. METCALF], who is necessarily away because of illness. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. LEWIS (after having voted in the negative). I have voted, but I have a pair with the Senator from Minnesota [Mr. SHIPSTEAD], who has not come in. I desire to transfer that pair to the Senator from Missouri [Mr. HAWES] and will let my vote stand.

Mr. COSTIGAN. I am authorized to state that the Senator from West Virginia [Mr. NEELY] is unavoidably absent, and if he were present he would vote "nay."

Mr. GLASS (after having voted in the negative). I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. Being told, however, that he would vote as I have voted, I shall permit my vote to stand.

Mr. LOGAN (after having voted in the negative). I have voted, but I have a general pair with the junior Senator from Pennsylvania [Mr. DAVIS], whom I do not see in the Chamber, and I therefore withdraw my vote.

Mr. WHEELER (after having voted in the negative). I have a general pair with the junior Senator from Idaho [Mr. THOMAS]. Not knowing how he would vote on this question, I am compelled to withdraw my vote.

Mr. FESS. I wish to announce the following general pairs:

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Indiana [Mr. ROBINSON] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from California [Mr. SHORTRIDGE] with the Senator from Georgia [Mr. HARRIS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

If present, the Senator from Missouri [Mr. PATTERSON], the Senator from Indiana [Mr. ROBINSON], and the Senator from Colorado [Mr. WATERMAN] would vote "yea."

Mr. SHEPPARD. I wish to announce that the Senator from Missouri [Mr. HAWES] and the Senator from New York [Mr. WAGNER] are absent on official business.

The result was announced—yeas 26, nays 42, as follows:

YEAS—26

Austin	Fess	Kean	Steiwer
Barbour	Goldsborough	McNary	Townsend
Borah	Hale	Moses	Vandenberg
Brookhart	Hastings	Norbeck	Walcott
Capper	Hatfield	Oddie	White
Carey	Hebert	Schall	
Dickinson	Johnson	Smoot	

NAYS—42

Ashurst	Connally	Glass	Norris
Bailey	Coolidge	Gore	Pittman
Bankhead	Copeland	Harrison	Reed
Black	Costigan	Hayden	Robinson, Ark.
Blaine	Couzens	Kendrick	Sheppard
Bratton	Cutting	King	Thomas, Okla.
Broussard	Dale	Lewis	Trammell
Bulkley	Dill	Long	Walsh, Mass.
Bulow	Fletcher	McGill	Walsh, Mont.
Byrnes	Frazier	McKellar	
Caraway	George	Morrison	

NOT VOTING—28

Barkley	Hull	Nye	Swanson
Bingham	Jones	Patterson	Thomas, Idaho
Davis	Keyes	Robinson, Ind.	Tydings
Glenn	La Follette	Shipstead	Wagner
Harris	Logan	Shortridge	Waterman
Hawes	Metcalf	Smith	Watson
Howell	Neely	Stephens	Wheeler

So the motion of Mr. HASTINGS to reconsider was rejected.

COMMERCIAL TREATY WITH NORWAY

The VICE PRESIDENT. The Executive Calendar is in order. The first business thereon will be stated.

The Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive KK (70th Cong., 2d sess.), between the United States and Norway, which was read as follows:

The United States of America and the Kingdom of Norway, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic, and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries,

The President of the United States of America,

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Norway,

Mr. H. H. Bachke, His Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles:

ARTICLE 1

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals. This paragraph does not apply to charges and taxes on the acquisition and exploitation of waterfalls, energy produced by waterfalls, mines or forests.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to the immigration of aliens or the right of either of the High Contracting Parties to enact such statutes.

ARTICLE 2

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability

for bodily injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary compensation, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and within any of the territories of the other, shall regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

ARTICLE 3

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article 1, chall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE 4

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or nonresident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or nonresident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases. In the same way, personal property left to nationals of one of the High Contracting Parties by nationals of the other High Contracting Party, and being within the territories of such other Party, shall be subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE 5

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

ARTICLE 6

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent Party within sixty days after a declaration of war.

It is agreed, however, that such right to depart shall not apply to natives of the country drafting for compulsory military service who, being nationals of the other Party, have declared an intention to adopt the nationality of their nativity. Such natives shall nevertheless be entitled in respect of this matter to treatment no less favorable than that accorded the nationals of any other country who are similarly situated.

ARTICLE 7

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions designed to protect human, animal, or plant health or life, or regulations for the enforcement of revenue or police laws, including laws prohibiting or restricting the importation or sale of alcoholic beverages or narcotics.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties, charges or conditions and no prohibition on the importation of any article, the growth, produce or manufacture, of the territories of the other Party, from whatever place arriving, than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country; nor shall any duties, charges, conditions or prohibitions on importations be made effective retroactively on imports already cleared through the customs, or on goods declared for entry into consumption in the country.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Any advantage of whatsoever kind which either High Contracting Party may extend by treaty, law, decree, regulation, practice or otherwise, to any article, the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Norwegian vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Norway or are or may be legally exported therefrom in Norwegian vessels may likewise be imported into these ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Norwegian vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High

Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals, vessels, and goods.

The stipulations of this Article do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba. Such stipulations, moreover, do not extend to the commerce of the United States with the Panama Canal Zone or with any of the dependencies of the United States or to the commerce of the dependencies of the United States with one another under existing or future laws.

No claim may be made by virtue of the stipulations of the present Treaty to any privileges that Norway has accorded, or may accord, to Denmark, Iceland or Sweden, as long as the same privilege has not been extended to any other country.

Neither of the High Contracting Parties shall by virtue of the provisions of the present Treaty be entitled to claim the benefits which have been granted or may be granted to neighboring States in order to facilitate short boundary traffic.

ARTICLE 8

The nationals, goods, products, wares, and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals, goods, products, wares, and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks and export bounties.

ARTICLE 9

The vessels and cargoes of one of the High Contracting Parties shall, within the territorial waters and harbors of the other Party in all respects and unconditionally be accorded the same treatment as the vessels and cargoes of that Party, irrespective of the port of departure of the vessel, or the port of destination, and irrespective of the origin or the destination of the cargo. It is especially agreed that no duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories or territorial waters of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels.

ARTICLE 10

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

ARTICLE 11

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that nationals of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment.

ARTICLE 12

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves in the territories of the other Party, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such Party as expressed in its National, State, or Provincial laws.

ARTICLE 13

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no condition less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business.

The nationals of either High Contracting Party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

ARTICLE 14

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either High Contracting Party require the presentation of an authentic document establishing the identity and authority of a commercial traveler, a signed statement by the concern or concerns represented, certified by a consular officer of the country of destination shall be accepted as satisfactory.

ARTICLE 15

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from, going to or passing through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law or regulations. The measures of a general or particular character which either of the High Contracting Parties is obliged to take in case of an emergency affecting the safety of the State or vital interests of the country may, in exceptional cases and for as short a period as possible, involve a deviation from the provisions of this paragraph, it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to any discrimination as regards charges, facilities, or any other matter.

Goods in transit must be entered at the proper customhouse, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

ARTICLE 16

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing State and under its great seal; and they shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

ARTICLE 17

Consular officers, nationals of the State by which they are appointed, and not engaged in any profession, business or trade, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense, or by the court. The demand shall be made with all possible regard for the consular dignity and the duties of the officer; and there shall be compliance on the part of the consular officer.

When the testimony of a consular officer who is a national of the State which appoints him and is engaged in no private occupation for gain, is taken in civil cases, it shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

No consular officer shall be required to testify in either criminal or civil cases regarding acts performed by him in his official capacity

ARTICLE 18

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions shall be exempt from all taxes, National, State, Provincial and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them, and not engaged in any profession, business or trade, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

ARTICLE 19

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

When a consular officer is engaged in business of any kind within the country which receives him, the archives of the consulate and the documents relative to the same shall be kept in a place entirely apart from his private or business papers.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

ARTICLE 20

Consular officers of either High Contracting Party may, within their respective consular districts, address the authorities concerned, National, State, Provincial or Municipal, for the purpose of protecting the nationals of the State by which they are appointed in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the Government of the country.

ARTICLE 21

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify

and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE 22

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided, however, that such jurisdiction shall not exclude the jurisdiction conferred on local authorities under existing or future laws.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed for the purpose of observing the proceedings and rendering such assistance as may be permitted by the local laws.

ARTICLE 23

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

Likewise in case of the death of a resident of either of the High Contracting Parties in the territory of the other Party from whose remaining papers which may come into the possession of the local authorities, it appears that the decedent was a native of the other High Contracting Party, the proper local authorities shall at once inform the nearest consular officer of that Party of the death.

In case of the death of a national of either of the High Contracting Parties without will or testament whereby he has appointed testamentary executors, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE 24

A consular officer of either High Contracting Party shall within his district have the right to appear personally or by delegate in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities for all such heirs or legatees in said estate, either minors or adults, as may be nonresidents and nationals of the country represented by the said consular officer, with the same effect as if he held their mandate to represent them, unless such heirs or legatees themselves have appeared, either in person or by duly authorized representative.

A consular officer of either High Contracting Party may in behalf of his non-resident countrymen collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees.

ARTICLE 25

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

In exercising the right conferred upon them by this Article, consular officers shall act with all possible despatch and without unnecessary delay.

ARTICLE 26

Each of the High Contracting Parties agrees to permit the entry free of all duty of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, accompanying the officer, his family or suite, to his post, provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories. Personal property imported by consular officers, their families or suites during the incumbency of the officers shall be accorded on condition of reciprocity the customs privileges and exemptions accorded to consular officers of the most favored nation.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to Governmental supplies.

ARTICLE 27

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred, or by some other person au-

thorized thereto by the law of that country. Pending the arrival of such officer, who shall be immediately informed of the occurrence, or the arrival of such other person, whose authority shall be made known to the local authorities by the consular officer, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any customhouse charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE 28

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone and Svalbard.

ARTICLE 29

The present Treaty shall remain in full force for the term of three years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of three years neither High Contracting Party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the Articles in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

The present Treaty shall, from the date of the exchange of ratifications be deemed to supplant, as between the United States and Norway, the Treaty of Commerce and Navigation concluded by the United States and the King of Norway and Sweden on July 4, 1827.

ARTICLE 30

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed their seals thereto.

Done in duplicate, in the English and Norwegian languages at Washington, this 5th day of June 1928.

FRANK B. KELLOGG.
H. H. BACHKE.

ADDITIONAL ARTICLE

The United States of America and the Kingdom of Norway by the undersigned, the Secretary of State of the United States and the Minister of Norway at Washington, their duly empowered Plenipotentiaries, agree as follows:

Notwithstanding the provision in the third paragraph of Article XXIX of the Treaty of Friendship, Commerce and Consular Rights between the United States and Norway, signed June 5, 1928, that the said treaty shall from the date of the exchange of ratifications thereof be deemed to supplant as between the United States and Norway the treaty of Commerce and Navigation concluded by the United States and the King of Norway and Sweden on July 4, 1827, the provisions of Article I of the latter treaty concerning the entry and residence of the nationals of the one country in the territories of the other for purposes of trade shall continue in full force and effect.

The present additional Article shall be considered to be an integral part of the treaty signed June 5, 1928, as fully and completely as if it had been included in that treaty, and as such integral part shall be subject to the provisions in Article XXIX thereof in regard to ratification, duration and termination concurrently with the other Articles of the treaty.

Done, in duplicate, in the English and Norwegian languages, at Washington this 25th day of February, 1929.

FRANK B. KELLOGG [SEAL]
H. H. BACHKE [SEAL]

Mr. WALSH of Montana. Mr. President, I have asked that action on the treaties pending on the calendar be deferred until after the consideration of what is known as the tariff bill, because certain provisions of the treaties have a very important relation to a paragraph in that proposed act. I refer to the concluding paragraph thereof, which reads as follows:

The President be, and he is hereby, authorized and requested, at as early a date as may be convenient to proceed to negotiate with foreign governments reciprocal-trade agreements under a policy of mutual tariff concession. Such agreements shall not be operative until Congress by law shall have approved them.

This provision of the tariff bill was inspired by the realization of the fact that within the last two or three years high tariff walls have been erected by a great many of the nations of the world, thus constituting very serious objections to international trade, which has suffered from that and from other causes. It was hoped that some relief from that situation might be afforded either by an international conference, where the whole subject would be considered and possibly a multilateral treaty might be entered into providing for a general reduction of duties all around, or by specific agreements between our Government and some other governments by which concessions would be made by us for concessions given by them. The treaties before us, however, would seem to interfere seriously with all arrangements of that character, by reason of what is known as the "most-favored-nation" clause in those treaties. The same clause is found in 10 treaties which have had the concurrence of the Senate within as many years, and there are 16 other treaties already negotiated with other nations containing a similar provision which, in due course of time, will be submitted to the Senate for action.

The language of the most-favored-nation clause in these treaties departs from the language which has heretofore generally been adopted. The change is one of very considerable importance, and I did not feel that it was advisable that the Senate should act upon these treaties until it thoroughly understood what the difference in the language means.

The difference exists in the introduction of the word "unconditional." For instance, in the treaty with Norway, which is the first on the calendar, at page 6, the following language will be found:

Each one of the high contracting parties binds itself unconditionally—

Observe "binds itself unconditionally"—

to impose no higher or other duties, charges, or conditions, and no prohibition on the importation of any article, the growth, produce, or manufacture of the territories of the other party, from whatever place arriving, than are or shall be imposed on the importation of any like article, the growth, produce, or manufacture of any other foreign country.

Then, in the next paragraph occurs the following:

Each of the high contracting parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other high contracting party than are imposed on goods exported to any other country.

Similar language will be found in the treaty with Poland in article 6, on page 4; indeed, I believe the language is identical.

The introduction, as I have stated, of the word "unconditional" is a departure from our practice. I read, for instance, from the Jay treaty of 1794, which became the model for many commercial treaties of the United States with other powers, as follows:

> It is agreed that no other or higher duties shall be paid by the ships or merchandise of the one party in the ports of the other than such as are paid by the like vessels or merchandise of any other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other than are or shall be payable on the importation of the like articles being of the growth, produce, or manufacture of any other foreign country.

That kind of a most-favored-nation clause is said by the writers upon international law to be a conditional most-favored-nation clause, and under it we may give concessions to one particular country, in return for concession by that country to us, and other countries are not entitled to get the same reduction which we give to that particular country in return for concessions which it makes to us. However, under the unconditional most-favored-nation clause, no matter what the condition is under which we give concessions to one country, we must give immediately those same concessions to every other country with which we have the unconditional most-favored-nation clause.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. WALSH of Montana. I yield.

Mr. BORAH. Does not that fact tend to bring about lower duties and lower tariffs, instead of higher ones?

Mr. WALSH of Montana. I was going to discuss that question in a moment.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. I do.

Mr. SMOOT. Is there any case where we have given a lower tariff to any one particular country as against the other countries?

Mr. WALSH of Montana. No. The policy of this country has been quite to the contrary.

Mr. SMOOT. Quite to the contrary.

Mr. WALSH of Montana. The policy of this country has been not to make agreements giving concessions in return for concessions. However, it will be remembered that we did give a concession of 20 per cent to Cuba, and under the treaties as we had them prior to the time that we changed it we were entitled to give that concession to Cuba because Cuba gave us a consideration for that concession. Therefore we were not obliged to give the same concession to other countries; but if now we gave to Cuba a further concession, we will say, of 5 per cent or 10 per cent, we should be obliged to give a like concession to every country with which we had a treaty containing the unconditional most-favored-nation clause.

Mr. SMOOT. The reason why it was granted to Cuba grew out of the fact of the war.

Mr. WALSH of Montana. Of course.

Mr. SMOOT. And there is no other country in the world that is in the same situation.

Mr. WALSH of Montana. Exactly; but now we agree unconditionally that we will give to every country with which we have this treaty the same concession that we give to any country. Accordingly, if we gave Cuba now any further concession, we should be obliged to give it to every other country.

The operation of the thing would be this: One of these recent treaties containing the unconditional most-favored-nation clause is with Germany. We have not any such, for instance, with Spain; but suppose, now, that we were quite willing to admit into this country commodities from Spain at a lower rate than the rate provided in the act on condition that Spain admit into Spain importations from this country at a lower rate than the regular rate in Spain—for instance, automobiles. Spain puts up a very high import duty on automobiles, we will say, and we are rather disturbed about it. We import from Spain, we will say, some commodities that we really do not get from anywhere else; and we say to Spain, "If you will reduce the rate on automobiles, we will reduce the rate upon this particular commodity coming from your country."

Mr. SMOOT. And that would be a violation of our treaty.

Mr. WALSH of Montana. No; it would not be a violation of our treaty at all. We are entitled to do it under the treaty; but the effect of it would be that every other nation with which we have the most-favored-nation clause would automatically get the same reduction in rates, although they gave us nothing at all for it. In other words, the operation of it is to prevent our country from making agreements with other countries for reciprocal reductions in the tariff.

I was hoping that in either one way or the other—either by an international conference the result of which would be a general reduction in rates, agreed to all around, or otherwise—this would be effected; or, if that was impossible, by negotiating special agreements by which the reduction in rates would be effected.

Mr. NORRIS. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Nebraska.

Mr. NORRIS. I had my attention drawn to something else and did not hear the Senator when he read the clause that is contained in this treaty pending in the Senate. Will the Senator be kind enough to read it again?

Mr. WALSH of Montana. Yes. I read from the treaty with Norway:

> Each of the high contracting parties binds itself unconditionally to impose no higher or other duties, charges, or conditions and no prohibition on the importation of any article, the growth, produce, or manufacture of the territories of the other party, from whatever place arriving, than are or shall be imposed on the importation of any like article, the growth, produce, or manufacture of any other foreign country.

Mr. NORRIS. Does the same language appear in some of the present existing treaties?

Mr. WALSH of Montana. There are 10 treaties of the United States ratified by the Senate in which the same provision is found; and 16 other treaties with this clause in it have been negotiated which still await action by the Senate. I am calling attention to the fact that that is a departure from our invariable policy heretofore, which has left us free to make special concessions to particular countries in return for concessions which were made by those countries to us.

Mr. BORAH. That is, a departure since the war. All our treaties since the war have an unconditional clause in them. Prior to that time we had the clause which the Senator read a few moments ago; but since that time, beginning with Germany, we have had the unconditional clause in all treaties which we have negotiated.

Mr. WALSH of Montana. I have here the dates of the treaty. That does not seem to be quite right.

Mr. BORAH. Yes; I think the German treaty of commerce was the first.

Mr. WALSH of Montana. We go away back to 1882, when we had such a treaty with Yugoslavia. I do not know how that comes about. The next earliest is with Germany, October 14, 1925. The next is with Hungary, October 4, 1926.

Mr. BORAH. The first one was with Germany in 1924, was it not?

Mr. WALSH of Montana. Nineteen hundred and twenty-five.

Mr. BORAH. That established the policy of this Government after the war.

Mr. WALSH of Montana. I do not understand that the war had anything to do with it.

Mr. BORAH. Only this—that when we began to rewrite all these commercial treaties the question was considered and made a part of all the treaties thereafter.

Mr. WALSH of Montana. I am sure it never was considered by the Senate.

Mr. BORAH. It was considered by the committee, at least.

Mr. WALSH of Montana. Not at any meeting at which I was present.

Mr. BORAH. I do not know whether the Senator from Montana was present or not; but Secretary Hughes came before the committee, discussed the matter, and the policy was there discussed and considered.

Mr. NORRIS. Mr. President, may I interrupt the Senator further? I am interested now, since I have heard the language read, in the Senator's statement in regard to our treaty with Cuba, in which a preferential duty is given. Does the Senator think that that provision existing now in the treaty with Cuba would have no effect upon these 10 treaties that have already been negotiated?

Mr. WALSH of Montana. No. If that arrangement were made to-day, we would be obliged to give a 20 per cent advantage to every country with which we had this particular kind of a treaty.

Mr. NORRIS. The Senator is of opinion, then, that this language in this treaty or any other treaty would have no effect upon any treaty that had been negotiated before we had agreed to the treaty with this country?

Mr. WALSH of Montana. I am inclined to think so, although I have not given any particular consideration to that.

Mr. NORRIS. I never thought of it, of course, until the Senator called attention to it; but it seems to me there is a serious question as to whether that construction would be correct.

Mr. WALSH of Montana. It really looks to the future, because it reads:

> Each of the high contracting parties binds itself unconditionally to impose no higher or other duties—

Which would seem to look to future action rather than to anything that had occurred in the past.

Mr. NORRIS. Will the Senator read the clause in the treaty where it says that if we impose lower duties this country will get the benefit of them?

Mr. WALSH of Montana. I read from page 6 of the Norwegian treaty:

> Each of the high contracting parties binds itself unconditionally to impose no higher or other duties, charges, or conditions and no prohibition on the importation of any article, the growth, produce, or manufacture of the territories of the other party, from whatever place arriving, than are or shall be imposed on the importation of any like article, the growth, produce, or manufacture of any other foreign country.

So that if we admit the sugar from Cuba at 2 cents a pound we must admit the sugar from every other country at 2 cents a pound, notwithstanding the rate in the tariff act is 2.40 cents.

Mr. NORRIS. The language the Senator has just read is "are or shall."

Mr. WALSH of Montana. Yes.

Mr. NORRIS. I am wondering whether that language would not apply to existing treaties.

Mr. WALSH of Montana. I am really not prepared to say as to that. My judgment is that it is prospective, however. That may not be right.

Mr. VANDENBERG. Mr. President, may I submit an inquiry to the Senator?

Mr. WALSH of Montana. I shall be glad to have the Senator do so.

Mr. VANDENBERG. Suppose that in the evolution of the Philippine question it should develop that it were advisable to extend a postindependence privilege by way of trade reciprocity to the Philippines. What is the Senator's construction of that situation?

Mr. WALSH of Montana. That has given me very much concern, and no little anxiety. It might be that we would pass an act granting freedom to the Philippines, and we might conceive that for some time—a period of 5 years or 10 years—we would give to them an opportunity to introduce their goods into our country at a lower rate than the specified rate. My judgment is that this would immediately operate to the equal advantage of every country with which we have this unconditional most-favored-nation treaty.

Mr. VANDENBERG. And, as I understand the Senator, that situation already has been created by treaties which we have previously ratified, including that clause.

Mr. WALSH of Montana. Yes.

Mr. VANDENBERG. So that we are virtually precluded from proceeding in that direction in respect to the Philippine Islands.

Mr. WALSH of Montana. Practically. I am not sure that that is right, because of the conditions. These treaties thus far ratified, you will observe, are with Austria, China, El Salvador, Estonia, Germany, Honduras, Hungary, Latvia, Turkey, and Yugoslavia. Now, we import from the Philippine Islands few commodities that come from any of these countries except Honduras. Although theoretically Austria would have the right to import coconut oil into this country at the same rate that the Philippines have, as a practical proposition it would mean nothing to her. So—a point that I was going to advert to a little later on—notwithstanding these unconditional most-favored-nation clauses, the countries of Europe still do enter into these arrangements, but only with reference to commodities of such a peculiar character as that they can freely do it without affecting other countries. But you will observe at once that the scope within which these reciprocal arrangements can be made would be very much narrowed, if not entirely eliminated, by this kind of a clause.

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. KING. Have the treaties that have been negotiated since the war been regarded as precedents to bind us in the formulation of this treaty and subsequent treaties?

Mr. WALSH of Montana. Oh, they do not bind us.

Mr. KING. No, no; but are they regarded as precedents?

Mr. WALSH of Montana. My understanding about that matter is that these unconditional provisions are put in, not at the instance of the country with which we have made the treaties, but at our own instance—that is, at the instance of our State Department, which seemed to take the view that that is the proper policy. As suggested by the Senator from Idaho, its effect is to accomplish a lowering of the rates of duty; but after very careful study I have been quite unable to understand that operation of this particular provision.

Mr. KING. Why does the Senator say "lowering"? Might it not operate to increase the duty?

Mr. WALSH of Montana. No; because it simply provides that they shall be no higher. So, if they operate at all, they must operate to reduce.

Mr. KING. There is no inhibition in these treaties against the United States increasing its duties?

Mr. WALSH of Montana. None whatever.

Mr. KING. So that it does not restrain the United States from imposing prohibitive duties if it desires to do so?

Mr. WALSH of Montana. No.

Mr. KING. If lower duties are obtained, it would be because the United States lowered its duties, which it might do by reciprocal relations, rather than by a general omnibus treaty such as this might be if extended to other nations.

Mr. WALSH of Montana. Of course, if a European nation with which we have this most-favored-nation clause should grant to any particular country a concession in the matter of duties, that would immediately inure to our benefit, and in that way it would accomplish a reduction in our duties. But I have not been able to discover that we have profited particularly in that way thus far.

I asked for information about this matter from the State Department and have some correspondence with the Secretary which may be interesting in this connection.

Mr. FLETCHER. Mr. President, may I interrupt the Senator just on the point raised by the Senator from Utah?

Mr. WALSH of Montana. Certainly.

Mr. FLETCHER. The language may be somewhat ambiguous. It is "binds itself unconditionally to impose no higher or other duties, charges," and so forth. It seems to me that the phrase "no higher or other duties" is a little ambiguous. That is the language in the treaty.

Mr. KING. Yes.

Mr. WALSH of Montana. We have now an article which carries an ad valorem and a specific duty, and we grant to a certain country the forgiving of the specific duty, leaving the ad valorem duty. We charge just as high ad valorem to that country as we do to the other, but we charge one two duties, and from the other we get but one. So that the two words "higher" and "other" are used to meet the case completely.

Under date of January 23 I addressed a letter to the Secretary of State, as follows:

JANUARY 23, 1932.

Hon. HENRY L. STIMSON,
Secretary of State.

DEAR MR. SECRETARY: I wish you would have the kindness to send me a list of the countries with which we have commercial treaties containing what is known as the unconditional most-favored-nation clause, with the date of ratification and the time within which and the conditions upon which the treaty may be terminated. I should be glad also to have the views of your office concerning whether such a treaty in effect prohibits reciprocity treaties, or rather whether a reciprocity treaty negotiated with any nation would immediately inure to the benefit of all nations with whom we have treaties containing such unconditional most-favored-nation clause. Likewise, I should appreciate an expression from you as to whether it would forbid a tender of a horizontal reduction in our duties to any nation which would make a corresponding reduction in its own, or whether, rather, if such a tender were made and accepted by one nation, all other nations, without actually agreeing to reduce, would by virtue of the unconditional clause mentioned be entitled to enjoy a like concession.

Cordially yours,

THOMAS J. WALSH.

I had in mind a situation such as this: The United States proposes to reduce its duties by appropriate legislation by 5 per cent, we will say, or 10 per cent, to any country which makes a like concession. It occurred to me that in that case we would be treating all alike, that we would be giving every nation the same opportunity. Some might accept, and thus have the benefit of it, but some others might refuse, and the duties would remain stationary as to the countries not accepting.

Apparently it is the view of the State Department at least that we could not even make that kind of a proposition; that is to say, that if one country did accept it and cut its duties, all other countries would be entitled to exactly the same concession.

The Secretary replied to my letter as follows:

DEPARTMENT OF STATE,
Washington, February 4, 1932.

The Hon. THOMAS J. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: In reply to your letter of January 23, 1932, I am glad to furnish the following information:

Treaties reciprocally according unconditional most-favored-nation treatment in regard to import duties are in force between the United States and 10 foreign countries. This Government has also entered into agreements by exchange of notes with 16 countries providing reciprocally for unconditional most-favored-nation treatment in regard to import duties. In most cases the latter arrangements are terminable on 30 days' notice or lapse as a result of conflicting legislation enacted by either party. I inclose a statement showing the countries with which treaties containing the unconditional most-favored-nation clause have been concluded, together with information regarding the dates on which they respectively came into force, and the dates on which they may be terminated.

The requirement that bargains made by one party to a treaty providing for unconditional most-favored-nation treatment shall not justify discrimination against the other party is the essential feature of the unconditional most-favored-nation principle. Thus the United States is bound to extend to all countries with which it has treaties according unconditional most-favored-nation treatment the benefits of any tariff reductions made by it in favor of one foreign country, even though the reductions were made in return for tariff reductions by the latter. Similarly, the other party to such a treaty is bound to extend to the United States unconditionally the lowest duties which it accords to any other country, a requirement which has proved of practical value to the United States in cases in which reciprocal tariff reductions have been made in favor of other countries by countries with which the United States has such treaties.

It would seem to be clear that treaties providing for unconditional most-favored-nation treatment are incompatible with a policy of concluding reciprocity treaties if the latter term is used in its narrowest sense of treaties under which exclusive concessions are granted. It would also seem to be clear that a horizontal reduction in tariff rates in favor of one country which is not extended freely to countries having a right to unconditional most-favored-nation treatment would be contrary to treaties conferring such rights.

It does not follow, however, that treaties providing for unconditional most-favored-nation treatment are incompatible with arrangements between countries for reciprocal tariff reductions. It has been a common practice among countries of continental Europe to enter into unconditional most-favored-nation treaties and at the same time to enter into treaties providing for reciprocal tariff reductions. By a careful selection of the articles of merchandise on which reductions of duty are made in bargaining arrangements it is possible to restrict the items covered by the arrangements so that the reduced duties may be generalized to countries entitled to most-favored-nation treatment without destroying the basis for bargaining with the latter.

Sincerely yours,

JAMES GRAFTON ROGERS,
Assistant Secretary.

The point is that, generally speaking, treaties of this character destroy the opportunity to enter into reciprocity treaties. They likewise destroy the opportunity to get a general reduction of duties upon our giving a like reduction of duties. In other words, as it seems to me, the treaties operate practically to freeze our tariff rates, and to make them unamenable to reductions by negotiations.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. CUTTING in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. I yield.

Mr. KING. I think I misconceived the letter from the Secretary of State which the Senator has just read. As I understood the first sentence, or the first paragraph, it was a definite statement that a treaty of this character would preclude entering into treaties or arrangements between two nations which did not apply to all. Yet the latter part seemed to convey the idea, if I understood it, that this treaty would not be a prohibition against reciprocal treaties which might favor one country against others.

Mr. WALSH of Montana. So strange did that part of the letter seem to me, that I addressed another communication to the Secretary, which I was about to read.

Mr. KING. I hope the Senator will pardon me.

Mr. WALSH of Montana. He explains that, notwithstanding that, as I have indicated before, you can pick out certain commodities coming from some other country to which you may make concessions, and there are none such coming from countries with which you have the unconditional most-favored-nation treaties, and thus you can, within a very limited area, make a reciprocity treaty.

Under date of February 5 I addressed the following letter to the Secretary:

FEBRUARY 5, 1932.

Hon. JAMES G. ROGERS,
Assistant Secretary of State.

DEAR MR. SECRETARY: I am obliged to you for your letter of February 4. I shall be under further obligations to you if you will give me in detail the underlying facts supporting the statements in your letter to the effect:

(1) That the United States has, by reason of the unconditional clause in its treaties, had the benefit of tariff reductions given by foreign parties thereto to some nation or nations other than the United States.

(2) That notwithstanding the unconditional most-favored-nation clause in treaties by them, countries of continental Europe quite commonly enter into treaties providing for reciprocal tariff reductions.

I find it difficult to visualize the situation to which the last sentence of your letter applies, namely:

"By a careful selection of the articles of merchandise on which reductions of duty are made in bargaining arrangements, it is possible to restrict the items covered by the arrangements so that the reduced duties may be generalized to countries entitled to most-favored-nation treatment without destroying the basis for bargaining with the latter."

Will you be good enough to elaborate the idea there expressed, referring to instances if the information is at your command?

Very truly yours,

THOMAS J. WALSH.

To that the Secretary replied as follows, under date of March 8, 1932:

DEPARTMENT OF STATE,
Washington, March 8, 1932.

The Hon. THOMAS J. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: Replying to your letter of February 5, I am glad to comply with your request for further information on certain of the points mentioned in my letter of February 4. Should the following discussion not clarify these points I shall be

glad at any time to furnish such further information as you may request.

The department's statements are intended to be only explanatory and not as an expression of opinion by this department as to the merits of negotiating reciprocal trade agreements under a policy of mutual trade concessions.

(1) You ask to be given in detail the underlying facts supporting the statement that "the United States has, by reason of the unconditional clause in its treaties, had the benefit of tariff reductions given by foreign parties thereto to some nation or nations other than the United States."

The unconditional most-favored-nation clause in treaties or Executive agreements entered into by this Government has been of practical value in assuring to the United States the benefit of tariff concessions made by the other parties in favor of third countries. A complete analysis would be very laborious, but a few examples may be given.

The most important commercial country with which the United States has an unconditional most-favored-nation treaty of the type which it has been negotiating since 1923 is Germany. Germany has a tariff-bargaining policy and has made many treaties granting favorable tariff rates to third countries since its treaty with the United States became effective October 14, 1925.

That probably means to speculate upon what would be the effect upon our country had Germany and Austria effected the so-called customs union, under which, as I understand it, importations from Austria were to be permitted to come into Germany with either no duty at all or with a very much reduced duty.

I was wondering whether, notwithstanding the use of the word "unconditional" in this clause, circumstances would not be such as to justify one country in making concessions to another which would not accrue to the benefit of all countries having the most-favored-nation clause. So I expressed some hesitancy to the Senator from Michigan with respect to the Philippine Islands. I must admit that I am not enough of an international lawyer to venture an opinion on the question propounded by him. I read further:

Under the treaty Germany has been obligated to extend to the United States "simultaneously and unconditionally, without request and without compensation," every favor with respect to the amount and collection of duties on imports and exports of every kind which Germany has granted to any third state, regardless of whether such favored state has been accorded such treatment gratuitously or in return for reciprocal compensatory treatment.

France apparently desiring to continue the policy of entering into reciprocal agreements whenever it seems to be to her interest to do so.

This resulted in a prohibitive discrimination against certain American exports to France until the matter was substantially adjusted by negotiation between the United States and France.

But just why the negotiations were necessary, I find it a little difficult to understand. If by reason of our most-favored-nation treaty with Germany we were entitled to the same concessions which Germany gave to France, it would seem to me that we are not called upon to enter into any negotiations with France. The probabilities are, however, Germany having agreed to admit the products of France at a less rate or France having agreed to admit German products at a less rate, that we contended that Germany was being treated with discrimination as against us; and yet I do not see how France under those circumstances could make a concession to us, having no such unconditional favored-nation treaty with us. In other words, the matter is left a little obscure still, notwithstanding the letter of the Secretary.

The letter continues:

In some instances the tariff reductions made by a treaty have affected long lists of products, including numerous articles of importance to American producers and exporters. In others the concessions have been made on short lists of products which are of interest to the country at whose request the reductions were granted, few, possibly none of them, being of interest to American exporters. No case can be taken as representative. However, I may illustrate the matter on a small scale by the treaty between Czechoslovakia and Finland—

It will be observed that, although I asked the Secretary to give me information as to just exactly how the United States profited by this particular kind of treaty with Germany, we find no information here about any particular commodity imported from Germany upon which we get a lower rate of duty than we would if we did not have this kind of a treaty with that country.

However, I may illustrate the matter on a small scale by the treaty between Czechoslovakia and Finland, signed March 2, 1927, by which these countries granted each other certain tariff concessions, which were immediately extended to American exporters under our most-favored-nation treaty with Finland and the most-favored-nation Executive agreement with Czechoslovakia. I inclose the text of articles 7, 8, and 16, together with list "A" of the treaty of March 2, 1927. You will observe that Finland grants reductions on canned fruits, berries, and vegetables, and on patent leather—articles exported from the United States. Similarly Czechoslovakia grants reductions on fish preserved in oil and on rough veneers.

In considering the practical value of the unconditional most-favored-nation clause in such cases, it is to be borne in mind, first, that Finland naturally asks Czechoslovakia for reductions which are of interest to the Finnish exporters, and vice versa; and, second, that the extent of the concessions is frequently limited by narrow classifications. For instance, the Czechoslovakia concession on carpets is limited to "plush imitation, not knotted."

Further comment seems necessary in order to give, as you request, the facts underlying this matter. The United States obtains the benefit of any reduction of duties made, for instance, by Germany, and it might appear that the United States obtains these reductions gratuitously. The United States does, however, pay a price, namely, a pledge that if within the life of the treaty with Germany the United States undertakes any tariff bargaining all concessions made to any other country (except Cuba) will be extended to Germany without requesting reciprocal compensatory treatment.

That rather answers the question addressed to me by the Senator from Michigan. The department appears to think that these countries will not be entitled to claim the same concession that we give to Cuba, but they do not say why.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Florida?

Mr. WALSH of Montana. I yield.

Mr. FLETCHER. I observe that in both of these treaties the treatment of Cuba is excepted and specified.

Mr. WALSH of Montana. I had quite forgotten about that, but that is correct.

The letter continues:

In view of the nonbargaining policy of the United States this may not seem to be a valuable concession; but on the other hand, with reference to the concession given by the other parties, it may well be argued that bargaining treaties between European States largely represent the exchange of merely illusory reductions. In other words, the European marketing systems have led to the erection of artificial bargaining tariffs representing not the rates which the Government believes necessary for the economic interests of the country but the rates which it considers expedient for the purpose of seeking concessions from other countries, and success within the bargaining system has largely been the success of securing the removal of the barriers which the systems have themselves created. When a government with a tariff of this type concedes to the United States tariff reductions which it has given to the bargaining countries only in exchange for reciprocal concessions, it is merely exempting American products from artificial bargaining rates which were never intended as permanent rates and which never would have been imposed except for this artificial European bargaining system.

Then follows a reference to other treaties. I ask that they be incorporated in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, that order will be made.

(See Exhibit A.)

Mr. WALSH of Montana. In brief it is perfectly apparent that treaties of this character practically forbid reciprocity treaties and destroy the hope of relief from tariff barriers to our foreign trade through that particular route. If the foreign nations with their bargaining systems make reductions, we get the benefit of those reductions, but we can do no bargaining whatever. We can not, as I said, even make a general proposition to all countries to reduce our duties if they will make corresponding reduction in theirs.

I must confess that I am still in doubt in my own mind as to which is the wise policy to pursue. I did not want the Senate to act upon the matter until the effect of the treaties was thoroughly understood.

EXHIBIT A

Examples of treaties by which Czechoslovakia, Estonia, Finland, Germany, Greece, Hungary, and Yugoslavia have made tariff concessions to third countries and extended them to the United States by virtue of our treaties and executive agreements are as follows, reference being made in each case to the article of the treaty and on the page on which it may be found in the League of Nations Treaty Series:

Czechoslovakia and France: Commercial convention of July 2, 1928, Article I, League of Nations Treaty Series, volume 99, page 107.

Estonia and Germany: Treaty of commerce and navigation of December 7, 1928, article 9, League of Nations Treaty Series, volume 99, page 289.

Finland and Austria: Convention of commerce and navigation of August 8, 1927, Article V, League of Nations Treaty Series, volume 70, page 351.

Germany and France: Commercial agreement of August 17, 1927, article 8, League of Nations Treaty Series, volume 76, page 345.

Greece and Italy: Convention of commerce and navigation of November 24, 1926, article 6, League of Nations Treaty Series, volume 63, page 53.

Hungary and Italy: Treaty of commerce and navigation of July 4, 1928, article 9, League of Nations Treaty Series, volume 92, page 119.

Yugoslavia and Germany: Treaty of commerce and navigation of October 6, 1927, article 9, League of Nations Treaty Series, volume 77, page 48.

(2) You also ask to be given in detail the underlying facts supporting the statement that "notwithstanding the unconditional most-favored-nation clause in treaties by them, countries of continental Europe quite commonly enter into treaties providing for reciprocal tariff reductions."

To cover this question in detail would involve citing two or three hundred treaties. In brief, it may be said that practically all the countries of Europe include unconditional most-favored-nation clauses in their commercial treaties and that practically all of them make special tariff concessions by treaty. After the war two or three countries announced the intention to abandon the most-favored-nation clause, but these countries have been only partially successful because the insistence of the countries with which they negotiated has compelled them in many cases to grant at least de facto most-favored-nation treatment.

The commercial treaties concluded by European countries may largely be grouped into (1) those providing simply for most-favored-nation treatment, (2) those providing for most-favored-nation treatment and in addition for specific tariff concessions by one or both parties, and (3) those providing for specific tariff concessions only, without provision for most-favored-nation treatment. The same country may have all three types of treaty, and there are numerous illustrations of countries which have contracted with some countries, particularly American countries, treaties granting most-favored-nation treatment but not specific tariff concessions, while to other countries they have granted both most-favored-nation treatment and specific concessfons. The treaties listed on page 7 illustrate this point, for they are all made by countries which grant to the United States only most-favored-nation treatment.

An apparently competent and comprehensive analytical and informatory review of the tariff and commercial treaty policies of each country in Europe, with a list of all commercial treaties in force between them, and an indication of which of the above types they belong to, is found in the October 25, 1930, number of L'Europe Nouvelle, a French weekly periodical. The department knows of no similar recent study in English.

To illustrate treaties of several types recently concluded by European countries, I inclose clippings from the United States Department of Commerce publication, Commerce Reports.

(3) You ask that the department elaborate, with instances, in order that you may better visualize the situation, the statement that "by a careful selection of the articles of merchandise on which reductions of duty are made in bargaining arrangements, it is possible to restrict the items covered by the arrangements so that the reduced duties may be generalized to countries entitled to most-favored-nation treatment without destroying the basis for bargaining with the latter."

This statement, which you quote from the last paragraph of my letter of February 4, had reference to the fact that tariff concessions confined to specified products of interest to the country at whose instance the concessions are granted can be extended to like products of other countries without destroying the basis for bargaining with them. For example, Switzerland may make tariff concessions in favor of Greek currants, Italian olives, Spanish grapes and oranges, and Portuguese wines without impairing her bargaining power in relation to Great Britain and with very slight decrease of her bargaining power with France, Belgium, or Germany, which are to some extent interested in wines. France may have received all the concessions made by Switzerland to half a dozen other countries and still be very desirous of obtaining a treaty which will concede reductions on many characteristic French products. A country which offers tariff concessions to another in order to obtain tariff reductions in return naturally has in view the peculiar needs of its own commerce and seeks to obtain tariff reductions on those products which are of particular interest to it. Consequently a country which benefits from such reduced rates solely by virtue of a most-favored-nation treaty will ordinarily still have a motive for offering concessions to the other party in order to obtain reductions on other products selected with the peculiar needs of its own commerce in mind.

(A further motive for seeking specific concessions rather than relying solely on the most-favored-nation clause is that specific concessions, unlike those obtained under the most-favored-nation clause, are enjoyed independently of any changes in the commercial relations between the country granting the concessions and third countries.)

The situation may perhaps be visualized from the case of Germany. The above-mentioned (October 25, 1930) number of L'Europe Nouvelle lists 25 commercial agreements and treaties, dated between June 17, 1818, and June 18, 1930, and in force between Germany and 25 European countries, which provide for most-favored-nation treatment. The following paragraphs are condensed or translated from the text which accompanies this list:

By the tariff law of August 17, 1922, which was put into force October 1, 1925, Germany revised its tariff in preparation for negotiations with its ex-enemies. On the basis of this tariff Germany has concluded 50 commercial arrangements or agreements reducing or consolidating the rates on 1,241 items of its tariff. ("To consolidate rates" means to agree that rates on specified articles will not be increased during the life of the treaty.)

The German treaty with Italy, signed October 31, 1925, is of special interest as illustrating German policy. Germany reduced its tariff in favor of Italian agricultural products such as grapes and fresh or preserved vegetables, in so far as they do not directly compete with German agriculture either because Germany does not produce them or produces them at different seasons from Italy. Italy had more trouble in obtaining reduction on wines, in view of the German production of Rhine wine. Only slight reductions were granted on typical Italian products, such as silks, hats, and magnetos, but there were rather extensive "consolidations."

Under the German treaty with France, which consolidated 717 items of the German tariff, the most important reductions granted France, many of which had already been granted to third countries, were on vegetables and fruits, vegetable oils, liqueurs, wines, mineral waters, alimentary fats, canned vegetables and condiments, essential oils and perfumes, articles of silk and cotton, lingerie and laces, special steels, jewelry, and rubber goods.

With Poland, which could export to Germany only products directly competitive with German products, an agreement regarding Polish lumber was reached, but the treatment to be given Polish rye and pork products caused long negotiations.

"The other agreements made by Germany are not as important, but the procedure is the same. Germany almost always obtains some tariff reductions, in exchange for which it grants clearly specified reductions. However, Germany is remarkably prudent in its granting of consolidations and tariff reductions, since in five years it has stabilized only 54 per cent of the items in its tariff, and has done so in 28 agreements made with 17 different countries—Austria, Belgium, Denmark, Estonia, Finland, France, Greece, Japan, Lithuania, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, Yugoslavia. By way of comparison, France in less than a year—between August 17, 1927, and July 2, 1928—consolidated duties under 72 per cent of the items of its tariff nomenclature by seven agreements concluded with only six countries—Germany, Switzerland, Belgium, Italy, Austria, and Czechoslovakia."

You will note that the most-favored-nation treaties between Germany and several other countries prior in date to the German tariff revision of October 1, 1925, have not prevented Germany from making numerous subsequent bargaining arrangements by a judicious selection of articles and from generalizing the reduced duties to all the countries entitled to most-favored-nation treatment.

Sincerely yours, JAMES GRAFTON ROGERS.

(Inclosures: Excerpt from convention of commerce and navigation between Finland and Czechoslovakia; clippings from Commerce Reports.)

INCLOSURE

(Clippings from Commerce Reports as indicated below)

Description of treaty between:	In Commerce Reports for—
Most-favored-nation treaties—	
Germany and Haiti	June 23, 1930.
Austria and Turkey	March 31, 1930.
Germany and Turkey	
El Salvador and Germany	April 21, 1930.
Brazil and France, Netherlands, United Kingdom	September 28, 1931.
Germany and Irish Free State	June 23, 1930.
Most-favored-nation treaties, including tariff concessions—	
Germany and Irish Free State	January 25, 1932.
Germany and Turkey	July 28, 1930.
Austria and Germany	April 28, 1930.
France and Rumania	December 1, 1930.
Germany and Turkey	October 13, 1930.
Hungary and Turkey	
Germany and Hungary	February 1, 1932.
Austria and Germany	February 2, 1931.
Austria and Czechoslovakia	October 26, 1931.
Austria and Rumania	November 2, 1931.
Miscellaneous treaties—	
Czechoslovakia and Germany	July 28, 1930.
Austria and Hungary	July 13, 1931.
Albania and France	December 16, 1929.
Germany and Poland	March 31, 1930.

DEPARTMENT OF STATE,
Washington, March 8, 1932.

The Hon. THOMAS J. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: Supplementing the two letters which I have written you in reply to your inquiries concerning the unconditional most-favored-nation clause, I send you herewith a memorandum prepared in the department, touching several other questions relating to the treaties of friendship, commerce, and consular rights signed by the United States with Norway and Poland which are now before the Senate.

It has been necessary to mark as confidential the parts of the memorandum in which statements are made of reasons why the ratification of these two treaties is desirable to the United States. It is, however, not necessary to regard as confidential the part of the memorandum relating to the duration of the treaties.

I am also sending a copy of this memorandum to Senator BORAH.

Very truly yours,

JAMES GRAFTON ROGERS,
Assistant Secretary.

(Inclosure: Memorandum—treaties of friendship, etc.)

CLIPPINGS FROM "COMMERCE REPORTS"

(June 23, 1930)

Germany—Haiti

Office of commercial attaché, Berlin, May 5

MOST-FAVORED-NATION COMMERCIAL TREATY CONCLUDED

The text of the mutual most-favored-nation commercial treaty which was concluded between Germany and the Haitian Republic on March 10, 1930, at Port au Prince, Haiti, was published on May 3, 1930, in No. 102 of the Deutscher Reichsanzeiger und Preussischer Staatsanzeiger. The treaty is still subject to ratification by the legislative bodies of the two countries and becomes effective the twentieth day after exchange of ratifications, to remain in effect for three years. Unless notice of termination of the treaty is given one year prior to the expiration of the treaty, it is prolonged automatically.

"The treaty provides most-favored-nation treatment in regard to import and export duties and charges as well as in regard to all customs formalities. Reciprocal unconditional most-favored-nation treatment is also provided in regard to rights of citizens; taxation, commerce, and industry; navigation except coast traffic; companies including insurance and transportation companies; consular rights and transit shipments.

"The contracting parties agree to endeavor not to hinder their trade through import and export restrictions. Exceptions may be made, however, relating to public protection, war materials, State monopolies, and foreign articles similar to domestic articles whose internal production, consumption, sale, or transport is or will be similarly restricted by national laws. Import and export restrictions at present effective in both countries are not affected by this treaty.

"In general, certificates of origin are not required at the time of importation on products of one contracting party imported into the territory of the other party. A certificate of origin may be required, however, if one of the contracting parties subjects products of a third country to higher charges than the products of the other party, or if it restricts or prohibits the importation of products of a third country. If products of third countries are imported over the territory of one contracting party into the territory of the other, customs officials of the one party must also accept certificates of origin issued in due form in the territory of the former.

"The treaty does not contain any specific duty concessions."

[The United States is on a most-favored-nation basis with Germany and Haiti.]

(March 31, 1930)

COMMERCIAL TREATIES AND AGREEMENTS

Austria—Turkey

Germany—Turkey

Commercial Attaché Julian E. Gillespie, Istanbul, February 15 and 18

TEMPORARY MOST-FAVORED-NATION AGREEMENTS CONCLUDED

It is announced that agreements have been concluded between Turkey and Austria and between Turkey and Germany granting reciprocal most-favored-nation treatment in customs matters pending the conclusion of new commercial treaties.

(April 21, 1930)

El Salvador—Germany

Acting Commercial Attaché Douglas Miller, Berlin, March 10

COMMERCIAL TREATY INDEFINITELY CONTINUED

An agreement has been reached between Germany and El Salvador providing that the commercial treaty between these two countries which was concluded on April 14, 1908, and denounced by El Salvador to expire on March 27, 1930, shall not expire on that day, but will remain in effect until further notice.

[Commerce Reports for June 10, 1929, announced the intended abrogation of the commercial treaty of April 14, 1908.]

Germany—Haiti

Commercial Attaché H. Lawrence Groves, Berlin, March 15

MOST-FAVORED-NATION COMMERCIAL TREATY SIGNED

A mutual most-favored-nation commercial treaty was concluded between Germany and the Haitian Republic on March 10, 1930. Further details are lacking so far, but will be published as soon as available.

(September 28, 1931)

Brazil—France, Netherlands, United Kingdom

Cablegram from Commercial Attaché Carlton Jackson, Rio de Janeiro, September 18

MOST-FAVORED-NATION AGREEMENTS CONCLUDED WITH THE UNITED KINGDOM AND NETHERLANDS—AGREEMENT RENEWED WITH FRANCE EXCHANGING TARIFF CONCESSIONS

The Brazilian Government has signed most-favored-nation tariff agreements with the United Kingdom and the Netherlands and has signed a temporary renewal of its agreement with France, which had been denounced by France on April 25, 1931, to expire on September 10, 1931.

The temporary agreement with France provides for a decrease in the French import duties that apply to Brazilian meats and cacao, in return for which Brazil reduces her nominal import duty of 120$000 per kilo on serums and vaccines to a nominal duty of 15 per cent ad valorem, and promises a reduction of duty on yarns.

Other countries are expected to sign most-favored-nation tariff agreements with Brazil in the near future in order to benefit by the minimum tariff rates in Brazil when the 2-column tariff is inaugurated (probably in December, 1931). It is understood that goods from the United States will be subject to the minimum tariff rates under our most-favored-nation agreement of 1923.

(June 23, 1930)

Germany—Irish Free State

Office of commercial attaché, Berlin, May 15

MOST-FAVORED-NATION COMMERCIAL TREATY CONCLUDED

A mutual most-favored-nation commercial treaty between Germany and the Irish Free State was signed on May 12, 1930, at Dublin. It will become effective on the day of the exchange of ratifications and will remain in force for an unlimited period. Six months' notice must be given to terminate the treaty. It is still subject to ratification by the legislative bodies of both countries.

[The United States is on a most-favored-nation basis with Germany and the Irish Free State.]

(January 25, 1932)

COMMERCIAL TREATIES AND AGREEMENTS

Germany—Irish Free State

Reichsgesetzblatt 1931, Part II, Nos. 9 and 29, Berlin, April 15 and December 24, 1931

MOST-FAVORED-NATION TREATY OF COMMERCE AND NAVIGATION NOW EFFECTIVE

Ratifications of the most-favored-nation commercial treaty, concluded between Germany and the Irish Free State on May 12, 1930, were exchanged in Berlin on December 21, 1931, and the treaty became effective on that date. It is to remain in force indefinitely but may be terminated by either party on six months' notice of denunciation.

"The treaty provides most-favored-nation treatment in regard to import and export duties and charges, as well as in regard to customs formalities. Reciprocal, unconditional most-favored-nation treatment is also provided in regard to rights of citizens, commercial travelers and their samples, taxation, commerce and industry, navigation (with certain exceptions regarding coast traffic) companies, including insurance and transportation companies, consular rights, and transit shipments.

"Both most-favored-nation and national treatment is reciprocally granted in regard to internal taxes which are or may be levied on goods, and regarding shipping, with the exception of the coastwise trade.

"The contracting parties agree not to hinder their trade through import and export restrictions. Exceptions may be made, however, relating to public protection, war materials, etc.

"The treaty does not affect the right of the Irish Free State to grant preferred customs treatment to members of the British Commonwealth of Nations.

"Exceptions from the granting of most-favored-nation treatment are made with regard to (1) border traffic, (2) present or future customs unions, (3) present or future favors granted to a third state in agreements to avoid double taxation and the mutual protection of the revenue.

"The treaty does not contain any specific duty concessions.

"[The United States is on a most-favored-nation basis with Germany and the Irish Free State.

"The conclusion of this treaty was originally reported in Commerce Reports of June 23, 1930.]"

GENERAL TARIFF CHANGES

(July 28, 1930)

Germany—Turkey

Deutscher Reichsanzeiger und Preussischer Staatsanzeiger, Berlin, June 7; Chargé d'Affaires (ad interim) Jefferson Patterson, Ankara, June 12

MOST-FAVORED-NATION TREATY OF COMMERCE PROVIDES ADDITIONAL REDUCTIONS IN NEW TURKISH TARIFF

An unconditional most-favored-nation treaty of commerce and navigation, with reciprocal tariff concessions on certain products, was signed at Ankara on May 27, 1930, between Germany and Turkey. The treaty is to become effective on the fourteenth day after exchange of ratifications and will remain in force for one year, and indefinitely thereafter unless denounced after three months' notice.

"This treaty provides for reciprocal, unconditional most-favored-nation treatment with regard to import duties, surtaxes, and coefficients; export duties and taxes; in methods of assessing import and export duties; in storing goods in customs warehouses; customs fees and formalities; customs clearances; treatment of commercial travelers' samples; proof of country of origin and certificates of origin; transportation and transit of persons and goods; import and export prohibitions and restrictions. Both countries reserve the right, however, to impose prohibitions or restrictions to protect human, animal, or plant life for public-protection purposes.

"Products and manufactures, imported through third countries into the territory of either contracting party shall not be subject at the time of importation to different or higher duties or charges than those imported directly from the country of origin. This regulation also refers to goods which are immediately forwarded in transit, as well as to such as are transshipped, repacked, or stored in transit.

"If either contracting party requires for the protection of the transit of goods the deposit of a certain amount of security, this amount shall not exceed the value of the regular duties and taxes due in case of importation.

"National treatment is reciprocally accorded in regard to internal taxation of goods, ships, and navigation (with certain exceptions such as coastwise and internal shipping, coast fishing, and national shipping supported or to be supported by premiums).

"The two countries likewise agreed to take measures for the repression of unfair competition and to grant reciprocally the duty-free admission and readmission of containers of all kinds usual in trade which should serve or have served for the exportation of goods, duty-free admission of articles for repairs and for markets, fairs, or exhibitions, as well as moving vans and boxes. Used settlers' effects, which are brought in by the settler, or are sent either two months before or three months after the settler arrived, will be exempt from duty and any taxes.

"Exceptions to the general most-favored-nation treatment are made in regard to privileges accorded the frontier traffic; to special concessions which are made in a tariff union; and tariff concessions at present granted or to be granted by Turkey to countries detached from the Ottoman Empire since 1923.

"Besides providing unconditional most-favored-nation treatment, the treaty establishes percentage reductions from the 'general' rates on a number of items in the Turkish tariff and 'binds' certain items in the German tariff schedule. If the Turkish 'general' rate for any of these goods is increased, the reduced rate resulting from the application of the specified percentage reductions to the present tariff rates is nevertheless to remain in force for a period of nine months from the date of the increase of the 'general' tariff rate. Article 15 of the Turkish tariff law provides that the duties may not be increased until after notice has been given in the newspapers at least three months in advance. If this occasion should arise, the two parties agree that negotiations will be undertaken in order to adjust such increases."

CONCESSIONS IN THE TURKISH TARIFF

Turkey grants reductions in duty on a number of German products. The following percentage reductions from the general rates, in addition to those already in effect under the Franco-Turkish treaty of August 29, 1929, will become effective when the treaty enters into force:

"Ten per cent: (Ex item 118) Plain woolen hosiery and knit goods; (ex 320) certain walking and umbrella sticks; (328–B) uncut writing paper and fine printing paper; (ex 342–A) fine glazed board, weighing from 200 to 300 grams per square meter; (401) cotton waistbelts, bed and table covers, kerchiefs, curtains, baby carriers, flags, etc.; (ex 452–A) certain cork linoleum; (453) oilcloth; (455–A) certain articles of oilcloth; (ex 553–A) certain fancy articles of iron, for adornment, desk, and personal use, combined with galalith or silvered; (558–B) copper wire, lacquered or coated with metals; (576–B) certain articles of zinc alloys; (587–B and C) jewelry of gold and silver; (601–C–1) small pianos; (613) telescopes and microscopes; (615) photographic apparatus and parts thereof; (667–A–1) passenger automobiles weighing up to 900 kilos; (700–B) coloring earths; (ex 702–A) iron sulphide, colcathar; (ex 702–B) lithopone; (703–A and D) printing and stamping inks; (703–F) pencils; (ex 716–E) magnesium chloride; and (ex 723–D) chromic oxide preparations for tanning.

"Fifteen per cent: (307–B and C) Brushes and brooms; (329–B) certain cut writing paper and envelopes; (ex 424) transmission belting of hemp, linen, etc.; (448) surgical rubber goods; (ex 487–A, C, and D) stoneware and porcelain wares; (539 D and E) cutlery, hair clippers and safety razors, etc.; (550–A–2) oxidized or galvanized iron cloths; (563 and 564–A and B) kitchen and table utensils, including those electrically worked; (632–E) large weighing machines; (ex 667–E) springs for automobiles; and (ex 792) aspirin.

"Twenty per cent: (558–E–1) Copper wires and cables insulated with rubber, etc.; (569–B, C, D) aluminum and aluminum alloys, except ores; (616) cinematograph and projection apparatus, etc.; (ex 619) radio receiving sets and parts, including tubes; (625) technical, surveying, mathematical, and physical instruments; (634) instruments and apparatus not specially mentioned in the tariff; and (ex 853–B) pharmaceutical specialties entitled to import permits from the Turkish Government.

"Twenty-five per cent: (488–A) Electrical articles of faience or porcelain combined with other materials; (552–B and 565–A and B) plain, painted, varnished, nickeled, oxidized, or polished hardware and ironmongery; (ex 595 C) certain wall and table clocks; and (632–A) precision scales.

"Thirty per cent: (361–B) Photographs, photo-engravings, lithographs, etc.; and (395–B) ornamented or combined knitted articles of cotton."

CONCESSIONS IN THE GERMAN TARIFF

Besides "binding" 34 items or parts of items in the German tariff schedule, Germany grants a reduced rate of 2 reichsmarks per 100 kilos on canary seed. (The present conventional duty on canary seed amounts to 6 reichsmarks per 100 kilos.)

Germany also agrees to add a note to item 52 of the German tariff schedule to the effect that "all duty reductions which are now or may be granted on currants (present conventional duty on currants is 5 reichsmarks per 100 kilos) shall be granted immediately and unconditionally to raisins which originate in Turkey. (The present conventional duty on raisins amounts to 8 reichsmarks per 100 kilos.)

The Turkish Assembly ratified the treaty on June 7, 1930; ratification by Germany is expected at an early date.

[United States products enjoy most-favored-nation treatment in Germany and Turkey.

Proposed conventional rates on particular commodities will be supplied upon inquiry by the Division of Foreign Tariffs.]

(April 28, 1930)

Austria—Germany

Radiogram from Commercial Attaché Gardner Richardson, Vienna, April 17

Cable from Acting Commercial Attaché Douglas Miller, Berlin, April 17

COMMERCIAL TREATY PROVIDES CERTAIN DUTY MODIFICATIONS

A mutual most-favored-nation commercial treaty between Austria and Germany was signed on April 12, 1930, but will not go into effect until 14 days after the exchange of ratifications. The treaty provides for certain modifications of Austrian and German duties.

Some of the changes in the Austrian tariff rates will be as follows:

"A decrease of the duty on hard-rubber wares not specially mentioned, if pressed raw but without visible pressing seams, from 100 to 60 gold crowns per 100 kilos.

"The duty on typewriters, adding machines, and mathematical, physical, surgical, medical, and other instruments of fine mechanics not specially mentioned, except cases of mathematical instruments, will be lowered from 3 gold crowns to 1 gold crown per kilo.

"Cow and horse hides, not tanned like sole leather, even dyed, otherwise than mineral tanned, except leather for trunks, furniture, and lacquered or bronzed leather, will be subject to a duty of 20 gold crowns per 100 kilos instead of the present duty of 55 gold crowns per 100 kilos.

"The duty on knitted and netted gloves will be decreased from 280 to 250 gold crowns per 100 kilos, while the duty on rayon gloves will be 1,000 gold crowns per 100 kilos instead of 2,000 gold crowns per 100 kilos.

"The duty on needles, combined or not combined with fine materials, except machine and sewing needles, will be decreased from 120 to 100 gold crowns per 100 kilos."

The treaty also provides for a certain number of increases in Austrian import duties, among which are:

"Heads and worked parts of heads for domestic sewing machines and flat knitting machines, for which the duty will be increased from 80 to 100 gold crowns per 100 kilos.

"Artificial leather will be subject to a duty of 120 gold crowns per 100 kilos instead of 110 gold crowns per 100 kilos.

"Increases will also be effected for certain machinery.

"Austria will grant the duty-free importation of some meters, measuring, and testing devices, as well as special machines not manufactured in Austria."

Germany will grant Austria the following reduced tariff rates, all in reichsmarks per 100 kilos:

"Sawn fir, spruce and larch lumber, 0.85; larch railroad ties, 0.32; and soft-wood paving blocks, 0.80.

"Multiple machine tools for metal working, free; pneumatic tools, 100; and electric windshield wipers, 250.

"Ferrochrome containing less than 0.6 per cent carbon, free; up to 4 per cent carbon, 6; more than 4 per cent carbon, 4.50."

The treaty, when ratified, will remain in effect for two years.

[The United States is on a most-favored-nation basis with both Austria and Germany.]

(December 1, 1930)

France—Rumania

Journal Officiel, Paris, September 12

Monitorul Oficial, Bucharest, September 30

COMMERCIAL TREATY EXCHANGING DUTY CONCESSIONS

The Franco-Rumanian most-favored-nation treaty of commerce and navigation of August 27, 1930, which became provisionally effective on September 15, 1930, provides for an exchange of tariff concessions. National and most-favored-nation treatment is reciprocally granted in matters of internal taxation and shipping, with certain usual reservations. The treaty will become definitely effective 15 days after the exchange of ratifications and will remain in effect for a period of two years and thereafter until six months after notice of denunciation by either country.

"Rumanian concessions: Rumania grants to France reduced rates of import duties and agrees to bind certain existing rates. The products on which the rates are lower than those previously in effect include the following:

"Certain cheese; tapioca, arrowroot, sago and salep, and flours and substitutes thereof; infants' foods containing sugar or cocoa; unleavened bread in wafers; preserved mushrooms; shelled peanuts and unshelled almonds; dates; and certain spices.

"Certain hides and skins; carpets, silk fabrics, silk stockings, lace, and other silk articles; lace of vegetable textiles, except silk; feather dusters, powder puffs, stuffed birds.

"Certain fancy buttons, combs, hairpins, and costume jewelry of ivory, tortoise shell, or mother-of-pearl; silver and gold jewelry; fine brushes mounted on aluminum, nickel, or other metals; fancy articles of paper combined with fine materials; carbon paper; artistic articles of glass; rubber dolls and animals.

"Gas meters; wrought lead and sheet lead; sword blades.

"Soaps, liquid, in powder, or in flakes; certain inedible vegetable oils; castor oil; inedible gelatine; crude colophony.

"Prepared medicines; blood serums; flowers, leaves, fruits, and herbs for medicinal purposes; perfumes, dentifrice waters, and cosmetics; chemical specialties for technical and household use; incense.

"Fine paints in tubes, tablets, boxes, etc.; coloring extracts; lithophone and zincolith; minium and white lead.

"French concessions: France grants to Rumania a 30 per cent reduction from her regular import duty rate on corn to yellow corn of the Bessarabian type destined as a poultry or animal food, within the limits of a contingent fixed annually by the French ministry of agriculture and subject to certain regulations laid down by the Minister of Agriculture. (This reduction has subsequently been extended to all countries by a French governmental decree of September 11, 1930.) France also binds her minimum import duty rates on fuel oils, salted or dried intestines, and bed feathers, and agrees to continue to exempt from duty silk cocoons, raw hides and skins, raw animal hair, and raw cattle bones, hoofs, and horns."

[The United States enjoys most-favored-nation treatment in Rumania, but not on all commodities in France. Announcements concerning the above-mentioned treaty appeared in Commerce Reports for September 15 and 29, 1930.]

(October 13, 1930)

Germany—Turkey

Hungary—Turkey

Radiogram from Commercial Attaché Julian E. Gillespie, Istanbul, September 30

Cable from Commercial Attaché William Hodgman, Budapest, October 2

COMMERCIAL TREATIES EFFECTIVE

The most-favored-nation treaty of commerce between Germany and Turkey, which was signed on May 27, 1930, became effective on September 27, 1930, 14 days after the exchange of ratifications.

Numerous reductions in the Turkish import tariff and two reductions in the German import tariff (on raisins and canary seed) became effective with the treaty. These reductions apply also to American products, since the United States enjoys most-favored-nation treatment in both Germany and Turkey.

[A list of the products affected appeared in an analysis of the treaty in Commerce Reports for July 28, 1930. The reduced rates of duty on specific commodities may be obtained upon request to the division of foreign tariffs.]

The ratifications of a most-favored-nation commercial treaty between Hungary and Turkey have been exchanged and the treaty becomes effective on October 12, 1930.

The treaty provides for a reduction in the Hungarian import duty on Turkish Sultana raisins from 150 to 12 gold crowns per 100 kilos. (The previous Hungarian-Turkish treaty, which expired on March 26, 1930, provided for a Hungarian import duty of 40 gold crowns per 100 kilos on Sultana raisins.) The present reduction also applies to similar American raisins.

[The United States enjoys most-favored-nation treatment in both Hungary and Turkey. Commerce Reports for August 25, 1930, announced the extension of the provisional most-favored-nation agreement of March 19, 1930, between Hungary and Turkey, until the coming into effect of the present treaty.]

(February 1, 1932)

Germany—Hungary

Reichsgesetzblatt 1931, Part II, Berlin, December 24

MOST-FAVORED-NATION COMMERCIAL TREATY, WITH RECIPROCAL DUTY CONCESSIONS, PROVISIONALLY EFFECTIVE

A German Government decree of December 21, 1931, provisionally put into effect as of December 28, 1931, the most-favored-nation commercial treaty concluded between Germany and Hungary on July 18, 1931, together with a final protocol and an exchange of notes of December 18, 1931, with certain exceptions contained in an exchange of notes of December 19, 1931.

This treaty, which replaces the provisional agreement of June 1, 1928, in addition to the exchange of duty concessions and contingents (detailed below), provides for reciprocal most-favored-nation treatment in regard to commerce and navigation, import and export duties, customs formalities, rights of citizens and firms, taxation of goods, commercial travelers and their samples, etc.

Exceptions from most-favored-nation treatment are made for favors granted with regard to border traffic, present or future customs unions, present or future treaties with regard to double taxation or legal protection and assistance to citizens in tax matters, and for concessions which may be granted by one of the contracting parties to a third state exclusively on the basis of multilateral agreements of general importance, which can be adhered to by other nations and which have been entered into under the auspices of the League of Nations after March 1, 1930, unless the same concessions are granted by the other contracting party.

National treatment is granted with regard to rights and taxation of citizens and corporations, internal taxation of goods, shipping, with the customary exceptions, as well as to transport of citizens and goods on the railroads of each contracting party.

The contracting parties agree not to hinder their trade through any new import, export, or transit restrictions, except for reasons of public safety, health, etc.

Certificates of origin are generally not required, although they may be necessary if the products of third states should be subject to higher duties or import restrictions than those applying to products of the other party. In such cases they are valid without consular visa.

Provisions are made to regulate the temporary free admission of goods into either country.

The treaty is to be ratified and becomes definitely effective one month after the exchange of ratifications. Both parties reserve the right to restrict the entry into force to a part of the treaty, and to put all or part of the treaty provisionally into effect before that date.

It is to remain in force for two years and, unless denounced three months before the expiration of that period, indefinitely thereafter until three months after denunciation by either party. In case one of the parties should enter into a customs union with a third state, the treaty can be terminated upon three months' notice at the end of the first year that it has been in force.

"German concessions: German duties on a number of products are bound at the present rates, while lower conventional rates are granted on the following Hungarian products: Paprika, rabbits, and other furred game, certain mineral waters, hog-cholera serums, hemp belting, rubber bathing caps, and certain iron wares coated with rubber.

"In addition to the above duty concessions, Germany grants to Hungary an annual import contingent during 1931–1933 of 6,000 head of cattle for slaughter, to be increased to 7,000 head the following year if more than 90 per cent of this contingent is used in any year. The conventional rate of 16 reichsmarks per 100 kilos, already granted to Sweden for the same number of cattle, will also apply to the above contingent from Hungary.

"Should it become impossible for Hungary to enter this cattle contingent into Germany, she is given the right to terminate the treaty upon three months' notice.

"Germany also grants Hungary an annual contingent of 80,000 slaughtered hogs to be used in German meat-packing plants.

"Hungarian duty concessions: Hungary binds the duties on a number of German articles and grants reduced conventional rates on the following products:

"Heather plants, blooming; artificial iron oxide, red lead; certain veneered furniture; art print paper; chromo paper and cardboard; stockings; fur skins, dressed and dyed; earthenware mangers and troughs; certain oil and spirit stoves and soldering apparatus; nonsafety razors and blades; certain electrical measuring instruments and apparatus; certain mathematical sets and compasses; certain articles of precious metals; and certain scissors and penknives."

The original text of the treaty contained a number of other duty concessions on both sides, among them a preferential rate in the German tariff of three-fourths of the general duty on Hungarian wheat, which were not put into effect, being specifically excepted in the exchange of notes of December 19, 1931.

[The conclusion of this treaty was announced in Commerce Reports of August 3, 1931. Information regarding the new conventional rates will be furnished to American firms upon request to the Division of Foreign Tariffs.]

(February 2, 1931)

COMMERCIAL TREATIES AND AGREEMENTS

Austria—Germany

Radiogram from Commercial Attaché Gardner Richardson, Vienna, January 20

MOST-FAVORED-NATION COMMERCIAL TREATY, EFFECTIVE FEBRUARY 1

The Austrian-German mutual most-favored-nation commercial treaty of April 12, 1930, was ratified by Austria on January 19, so that the treaty will go into effect on February 1, 1931. The treaty will remain in effect for two years, and thereafter subject to termination upon three months' notice. It provides for a number of modifications of Austrian and German duties.

AUSTRIAN DUTY CONCESSIONS

Reductions in Austrian import duties are made, among others, on the following items:

Sewing and knitting machines, calculating machines, pneumatic tools, certain leather wares, crude and special hard rubber wares, and certain photographic paper.

Austria also agreed to grant the duty-free importation of some meters, measuring and testing devices, as well as special machines not manufactured in Austria.

In certain cases Germany waived either bindings of conventional rates or reduced conventional rates, so that some of the Austrian duties will increase, effective February 1.

Such increases will take place in regard to tulles, rubber soles and heels, artificial leather, mineral tanned calf leather, certain types of footwear, woodworking, printing, bookbinding and paper-producing machinery, motor cycles, and certain chemicals.

GERMAN DUTY CONCESSIONS

Reductions in German import duties are granted, among others, on the following items: Certain drills, pneumatic tools, certain netted or knitted wares of rayon, certain textile fabrics, unlined furs, certain leather goods, sawed fir, and certain rubberized textile wares for sanitary purposes.

[The United States is on a most-favored-nation basis with both Austria and Germany.]

(October 26, 1931)

COMMERCIAL TREATIES AND AGREEMENTS

Austria—Czechoslovakia

Commercial Attaché Sam E. Woods, Prague; Commercial Attaché Gardner Richardson, Vienna; and Bundesgesetzblatt—No. 58, Vienna

SUPPLEMENTAL COMMERCIAL AGREEMENT WITH RECIPROCAL DUTY CHANGES PROVISIONALLY EFFECTIVE

A new supplementary commercial agreement to the Austro-Czechoslovak most-favored-nation commercial treaty of May 4, 1921, was signed on July 22, 1931, and became provisionally effective on July 28, 1931, replacing the former supplementary agreement of July 21, 1927, which expired on July 27, 1931. It contains a number of increases in the tariffs of both countries, as well as a special provision regarding export aids.

Numerous duties on both sides have been increased and a considerable number of conventional duties, fixed by the previous commercial treaty with Czechoslovakia, have been discontinued, so that in future the autonomous rates will apply on those products. Duty reductions were made on only a very limited number of commodities and those mostly products of minor importance.

Austrian tariff changes: The treaty provides for increases in Austrian import duties on a number of products of interest to American trade, including the following:

"Knitted goods, vulcanized fiber, special paper goods, certain woodenwares, certain kinds of hardware, small metal goods, steam boilers, apparatus for distilling, cooling, and cooking, internal-combustion engines, certain agricultural machinery, weaving looms, power-transmission equipment, some electrical items, crank shafts for engines, vegetable and animal albuminous matter, and essential oils."

Czechoslovak tariff changes: In return Austria releases Czechoslovakia from former reduced treaty rates on a considerable number of industrial products, including the following:

"Candy, cotton yarn, knitted goods from artificial silk, hats, tissue paper, sole leather, wooden furniture, combs, smokers' articles, safes, plows, locomotives, telephones, and internal-combustion engines."

Each of the contracting parties reserves the right to examine the economic effects upon the trade with each other of commercial agreements which one of them has concluded or may conclude with third countries, and, if necessary, to demand negotiations on the subject of such effects.

Negotiations for a revision of the present agreement are also to be opened, at the request of one of the contracting parties, if this party proves (especially on the basis of statistical figures) that, as a result of the effects of the present agreement or of autonomous measures of the other party upon its customs, tax, or trade régime, its exports to the territory of the other party have suffered a considerable decline compared with the period in which the supplementary agreement of July 21, 1927, was in force.

Such negotiations, which may not be requested before January 1, 1932, must be opened within 30 days after the request is made by one party, and a satisfactory settlement must be reached within a further 30 days, otherwise the complaining party may denounce the treaty prematurely.

"Einfuhrscheine" and other aids to exportation: Each of the contracting parties agrees not to grant export premiums, under whatever designations or form, on products involved in the trade between them without the consent of the other.

The Czech Government promises to take the necessary precautions to minimize the unfavorable effects upon the Austrian market of the system of "Einfuhrscheine" (certificates granted upon the exportation of certain products that may be tendered in payment of duty on imports) now in force in Czechoslovakia. In the event of reestablishment of an "Einfuhrscheine" system by Austria, the Government of that country correspondingly undertakes to keep at a minimum the unfavorable effects of its operation upon Czechoslovak markets.

If such a system on the part of either country should result in continued pressure upon the market prices of the articles in question, the injured party reserves the right to present evidence to the other and to demand that negotiations be opened within 8 days and an agreement be reached within 14 days. Otherwise, defensive measures may be taken against the other party, after due notice, such as the imposition of special duties or surcharges or the restriction of imports.

The above provisions do not, however, apply to drawbacks of duty granted upon the exportation of products made from imported raw materials.

This agreement is to become definitely effective on the fifteenth day after the exchange of ratifications, to remain in force until July 15, 1932. If not denounced three months before the expiration of this period, it will be extended indefinitely, subject to three months' notice of denunciation by either party.

[Details of the changed duties will be furnished to interested American firms upon request, by the Division of Foreign Tariffs. The United States is on a most-favored-nation basis with both Austria and Czechoslovakia.]

(November 2, 1931)

COMMERCIAL TREATIES AND AGREEMENTS

Austria—Rumania

Commercial Attaché Gardner Richardson, Vienna, September 14

First Secretary of Legation Merritt Swift, Vienna, September 15

Bundesgesetzblatt, 1931, Nos. 236 and 276, Vienna, July 31 and September 7

MOST-FAVORED-NATION COMMERCIAL TREATY, WITH RECIPROCAL DUTY CONCESSIONS PROVISIONALLY EFFECTIVE

A most-favored-nation treaty of establishment, commerce, and navigation, with reciprocal duty concessions, signed between Austria and Rumania on August 22, 1931, was provisionally put into effect on September 7, 1931, according to an Austrian Government decree of the same date.

In addition to reciprocal most-favored-nation treatment in regard to commerce and navigation, import and export duties, customs formalities, rights of citizens and firms, commercial travelers and their samples, etc., the treaty contains a number of duty concessions in each tariff, a special agreement with duty reductions (see below) and a veterinary agreement.

Exceptions from most-favored-nation treatment are made with regard to (1) border traffic; (2) special tariff treatment which Rumania may grant for imports intended to facilitate financial arrangements resulting from the state of war existing from 1916 to 1918; (3) new concessions or privileges which may be granted in the future by one of the contracting parties in multilateral conventions in which the other does not participate, provided that such multilateral treaties have been entered into under the auspices of, or registered with, the League of Nations and can be adhered to by other countries.

National treatment is granted with regard to rights and taxation of citizens and corporations, to shipping, with some exceptions, as well as to internal taxation of goods.

The contracting parties agree not to hinder their trade through any new import, export, or transit restrictions, except for reasons of public health, national safety, protection of national art treasures, restrictions relative to money and securities, state monopolies, etc., and in order to safeguard the vital interests of the country in extraordinary and abnormal circumstances.

An effort has been made to simplify the complicated formalities which were formerly observed with regard to commercial transactions between the two countries, especially concerning certificates of origin, analysis of foodstuffs, and sojourn permits (Aufenthaltsbewilligungen).

Certificates of origin are generally not required, although they may be necessary if products of a third state should be subjected to higher duties or import restrictions than those applying to products of the other party, and in such cases are valid without consular visa.

Provisions are made to regulate the temporary free admission of goods into either country.

Duty concessions: The duties on a limited list of Rumanian products are bound in the Austrian tariff, but they are not lower than the rates in force heretofore.

Rumania, in addition to binding the rates on a number of commodities, grants reduced duties to Austria on the following articles (tariff item in parentheses):

"(Ex 100) Imitations of exotic hides and skins; (119) certain Morocco leather goods; (ex 119) ordinary purses of split leather; (146–b) dyed woolen yarns for retail sale; (620–c) artificial flowers and parts of silk; (646–a) certain veneer sheets; (686–a) umbrella

and parasol sticks; (751) parchment paper; (ex 755) crêpe paper; (ex 927–b) 'Stausziegelgewebe' (building material made of iron wire combined with ceramic material; (1093) boilers and stoves of cast-iron; (1094–b) radiators of wrought iron; (ex 1168) pocket knives; (1182) door locks and keys; (1245–e1) automatic and semiautomatic weighing apparatus, weighing up to 50 kilos; and (1424 and 1425) taps, valves, lubricators, etc., for liquids, steam, and gas."

Safeguarding against dumping, bounties, and unfair labor conditions: Rumania retains the right to increase import duties on all articles for which minimum rates are provided in the customs tariff, even if such rates are fixed in this treaty, in case, in her own judgment, the existence of some of the branches of the home industry should be jeopardized by dumping.

It is likewise understood that, even if the rates are bound by this treaty, Austria has the right to assess duties or additional duties, or to increase duties up to the amount of the bounty as granted on goods upon which, in her own judgment, a direct or indirect export bounty is granted in the country of export. The Austrian Government is also empowered to increase up to one-third of the rate provided in the tariff the duties on industrial products of countries which have not ratified the Washington convention of 1919, limiting the hours of work, and which in their present labor regulations are considerably below the provisions of the said convention.

Rumania guarantees to the Austrian Government that 40 per cent of her annual imports of breeding cattle shall be imported from Austria, while the veterinary agreement permits the entry into Austria of an import contingent of Rumanian cattle and meat amounting to 840 head of cattle and 100 tons of fresh meat a week.

The treaty becomes definitely effective 10 days after the exchange of ratifications and is to remain in force for three months, thereafter becoming subject to denunciation, with three months' notice, by either party. Irrespective of these regulations, the duration of this treaty is dependent on the provisions of the special agreement concluded by an exchange of notes on July 23, 1931, as noted below.

REDUCED AUSTRIAN DUTIES ON CONTINGENTS OF RUMANIAN CATTLE, HOGS, PORK, AND BEEF

A special agreement, concluded between Austria and Rumania by an exchange of notes on July 23, 1931, and incorporated as an integral part of the above treaty, provides for reduced Austrian import duties on specified quantities of Rumanian cattle, hogs, beef, and pork, retroactively effective from July 19 to October 31, 1931, according to an Austrian Government decree of July 23, 1931, as follows:

"Live cattle for slaughter, for an annual quantity equal to one-half of the number imported by Austria from Rumania in 1930 (not to exceed 432 head weekly), 9 gold crowns per 100 kilos.

"Live hogs: (a) weighing over 40 and up to 150 kilos each, for an annual quantity of 20,600 head, 18 gold crowns per 100 kilos; (b) weighing over 150 kilos each, free (quantity not to exceed 900 head per week, regardless of weight per head).

"Slaughtered hogs and pork, for an annual quantity of 2,000 metric tons, 26 gold crowns per 100 kilos.

"Beef, for an annual quantity equal to 30 per cent of the contingent of 100 metric tons which are permitted into Austria per week, 23 gold crowns per 100 kilos."

In case this special agreement is not prolonged after October 31, 1931, or superseded by a similar agreement, the commercial treaty will also expire on October 31, 1931.

In case one of the two Governments should take measures which should be considered by the other as liable to create discrimination against its products, the injured party shall have the right to demand the immediate opening of negotiations for the purpose of reestablishing the economic equilibrium and, if these negotiations should not show any results within three weeks, to denounce the present treaty upon 10 days' notice.

[Details concerning conventional duties on specific products may be obtained on request by American firms from the Division of Foreign Tariffs.

The United States is on a most-favored-nation basis with both Austria and Rumania.]

(July 28, 1930)

COMMERCIAL TREATIES AND AGREEMENTS

Czechoslovakia—Germany

Consul General Arthur C. Frost, Prague, June 14

PROVISIONAL AGREEMENT CONCERNING CLASSIFICATION OF BOOKS, ARTIFICIAL MANGANESE, BREWERS' PITCH, AND QUALITY STEEL EFFECTIVE

Pending the conclusion of a regular commercial treaty with Germany, Czechoslovakia has agreed provisionally to admit duty free, effective January 15, 1930, books, calendars, pictures, and music, bound in cloth, even if the corners or backs are bound in leather. Hitherto a duty of 1,200 gold crowns per 100 kilos was levied on the above-mentioned articles.

In return Germany has agreed to grant certain concessions on imports of Czechoslovakia artificial manganese, except in the form of briquets; brewers' pitch with a paraffin content of more than 10 and not more than 20 per cent; and quality steel.

[The United States is on a most-favored-nation basis with Czechoslovakia and Germany.]

(July 13, 1931)

Austria—Hungary

Cablegram from Commercial Attaché Gardner Richardson, Vienna, July 3

COMMERCIAL TREATY PROVIDING RECIPROCAL IMPORT CONTINGENTS AT REDUCED RATES OF DUTY CONCLUDED

A commercial treaty granting reciprocal import contingents at reduced rates of duty was signed between Austria and Hungary on July 1 and is expected to become effective on July 15.

It is understood that the agreement contains a number of important arrangements specially designed to promote the exchange of goods between the two countries. As the official text of the treaty is not yet available, the exact details of the contingents and other provisions are not yet known.

In order to avoid the application in Austria of the autonomous tariff rates on imports from Hungary in the absence of preferential rates such as contained in the former treaty with Hungary and in the treaty with Yugoslavia, the validity of these treaties which were to have expired on July 1, has been prolonged for two weeks. However, the previous conventional duty of 2 gold crowns on wheat, rye, and barley has been increased to 10 gold crowns, and the previous conventional duty of 5 gold crowns on flour has been increased to 23.50 gold crowns, all per 100 kilos. Both of these increases became effective July 1.

(December 16, 1929)

Albania—France

Eugene A. Masuret, office of commercial attaché, Paris, November 6

CONDITIONAL MOST-FAVORED-NATION TREATY SIGNED—DUTY CONCESSIONS BY ALBANIA

A conditional most-favored-nation treaty between Albania and France, which provides for special tariff concessions on the part of Albania, was signed on March 28, 1929. National treatment is reciprocally guaranteed for interior taxes collected on the consumption, production, circulation, and conditioning of merchandise. Citizens of each of the two countries will receive most-favored-nation treatment in all respects on the territory of the other. The treaty also carries a reciprocal agreement not to hinder commerce by any import or export restrictions.

"Albanian duty concessions to France: In addition to most-favored-nation treatment for all French products, Albania grants duty reductions on an extensive list of articles (list A annexed to treaty), which includes the following: Certain food products such as dates, powdered cocoa and chocolate, and fruit preserves; edible oils other than olive oils; certain cardboard boxes; tissues of jute, hemp, or wool, and of cotton mixed with wool; oilcloth and linoleum; table and toilet china, coffee cups and other objects; articles of hardware and cutlery such as shovels, spades, saws, knives, razors, and razor blades; toys; sewing needles; and dentrifices and cosmetics.

"France grants the benefit of her minimum rates, as well as most-favored-nation treatment, to certain Albanian products specified under a list B annexed to the agreement.

"Certificate of origin: It is reciprocally agreed that if one of the contracting parties should subject the merchandise of a third country to higher import duties or to import restrictions which are not applicable to merchandise of the other contracting party, the party applying such restrictions will be authorized to make the granting of her minimum duty rates dependent on the presentation of a certificate of origin from the other contracting party. It is further reciprocally agreed that certificates of origin must bear the regular consular visa when issued by other than the customs authorities of either of the contracting parties.

"This agreement constitutes the first commercial treaty which has ever been entered into between these two countries. It is concluded for a period of three years and will enter into force three months after the exchange of ratifications. If the agreement is not denounced within six months before expiration it will be prorogued by tacit agreement, each party reserving the right of denunciation at any time to effect the termination of the agreement six months thereafter."

[Products of the United States enjoy most-favored-nation treatment in Albania, but not in France.]

(March 31, 1930)

Germany—Poland

Radiogram from Commercial Attaché Clayton Lane, Warsaw, March 18. Cable from Commercial Attaché H. Lawrence Grove, Berlin, March 19

MOST-FAVORED-NATION COMMERCIAL TREATY SIGNED

A most-favored-nation commercial treaty between Germany and Poland was signed in Warsaw on March 17, 1930. The treaty is still subject to ratification and when ratified will remain in effect for one year, and thereafter subject to termination upon three months' notice.

"The most-favored-nation arrangement removes all special import restrictions at present imposed against certain German goods, as well as the restrictions against shipments from and through Germany of certain foreign goods. As soon as the treaty goes into effect, the so-called "non-German" certificates of origin will no longer be required for a number of articles from the United States, including the following: Tires, hardware, machinery, bicycles, linoleum, rice, lard and fatbacks, artificial and edible fats, gums and resins, rubber goods, ultramarine, metal and shoe

polishes, coffee, sewing machines, photographic plates, unexposed films, typewriters and calculating machines, and certain types of leather.

"Germany will also receive import contingents on various commodities at present denied entry into Poland. German nationals engaged in business and banking in Poland are granted most-favored-nation and national rights of domicile. Domicile of German agriculturists in Poland, however, will be restricted under terms agreed in a protocol signed on July 21, 1927.

"The German steamship lines HAPAG and the Norddeutscher Lloyd will enjoy all privileges granted to other foreign lines, including participation in Polish emigrant traffic, but will not enjoy all privileges granted to Polish lines.

"Germany will grant Poland a monthly coal import contingent amounting to 320,000 tons plus the amount of German coal exports to Poland, as well as a hog contingent of 200,000 head to be increased by 75,000 after 18 months and similarly one year thereafter up to 350,000. Shipments of Polish meat and meat products by rail or sea to German packing plants and hogs only by sea to German port abattoirs are assured the German market prices by the Reichsverband der Deutschen Industrie and guaranteed by the German Government. Polish hogs and pork are not to be reexported by Germany. Other Polish meats will enjoy full rights of transit through Germany for other markets. Veterinary regulations are drawn up very specially in order to avoid future disagreements."

[The United States has most-favored-nation agreements with Germany and Poland.]

Mr. BORAH. Mr. President, the policy of the unconditional most-favored-nation clause was adopted in 1925 in our treaty with Germany. It was discussed at that time at considerable length. The purpose was to protect our own merchants and traders in Europe. It is of more benefit to us, or was so believed, than it can be to the nations with whom we are making the treaties, for the simple reason that they were in the habit of giving advantages and favored conditions which they were not extending to the United States. We have, I think, some 10 or 12 treaties negotiated on this basis. Others are being negotiated on the same basis.

If I thought the Senator from Montana [Mr. WALSH] wished really to contest the proposition, the treaty should be sent back to the committee because it involves a complete change of national policy with reference to a most important matter which was thought out and considered at length by the committee some 10 years ago. But it seems to me the Senate should continue this policy.

I ask for a vote on the first treaty.

Mr. FESS. Mr. President, before we vote I would like to have the Senator's interpretation of the opening clause of the treaty and whether it does interfere in any way with the agreement we now have with Cuba, where we give Cuba a preference right on sugar, for example.

Mr. BORAH. Not with the present condition, because that was based upon a special consideration.

Mr. FESS. It was argued that if we did that we would have to do it with Germany also.

Mr. BORAH. I do not think it does.

Mr. FLETCHER. That has been expressly excepted in the treaty.

Mr. BORAH. Yes.

The treaty was reported to the Senate.

The VICE PRESIDENT. The question is on the resolution of ratification, which will be read.

The resolution of ratification was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive KK, Seventieth Congress, second session, a treaty of friendship, commerce, and consular rights with Norway, signed at Washington on June 5, 1928, and an additional article thereto signed at Washington on February 25, 1929.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. [Putting the question.] The resolution is agreed to, two-thirds of the Senators present voting in the affirmative.

TREATY WITH POLAND

The legislative clerk proceeded to read Executive A (72d Cong., 1st sess.), a treaty of friendship, commerce, and consular rights between the United States and the Republic of Poland, signed at Washington on June 15, 1931.

The Senate as in Committee of the Whole proceeded to consider the treaty, which was read as follows:

The United States of America and the Republic of Poland, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America, Henry L. Stimson, Secretary of State of the United States of America, and

The President of the Republic of Poland, Tytus Filipowicz, Ambassador Extraordinary and Plenipotentiary of Poland in Washington;

who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE 1

The nationals of each of the High Contracting Parties, shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial, and mortuary purposes; to employ agents of their choice; and generally the said nationals shall be permitted, upon submitting themselves to all local laws and regulations duly established, to enjoy all of the foregoing privileges and to do anything incidental to or necessary for the enjoyment of those privileges, upon the same terms as nationals of the State of residence, except as otherwise provided by laws of either High Contracting Party in force at the time of the signature of this Treaty. In so far as the laws of either High Contracting Party in force at the time of the signature of this Treaty do not permit nationals of the other Party to enjoy any of the foregoing privileges upon the same terms as the nationals of the State of residence, they shall enjoy, on condition of reciprocity, as favorable treatment as nationals of the most favored nation.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to emigration or to immigration or the right of either of the High Contracting Parties to enact such statutes, provided, however, that nothing in this paragraph shall prevent the nationals of either High Contracting Party from entering, traveling and residing in the territories of the other Party in order to carry on international trade or to engage in any commercial activity related to or connected with the conduct of international trade on the same terms as nationals of the most favored nation.

Nothing contained in this Treaty is to be considered as interfering with the right of either party to enact or enforce statutes concerning the protection of national labor.

ARTICLE 2

With respect to that form of protection granted by National, State, or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and injured within any of the territories of the other, shall, regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

ARTICLE 3

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article 1, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of, any such buildings and premises, or there to examine and inspect books, papers, or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE 4

Where, on the death of any persons holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE 5

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as herein above provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose subject to the mortuary and sanitary laws and regulations of the place of burial.

ARTICLE 6

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose on such terms as it may see fit, prohibitions or restrictions designed to protect human, animal, or plant life and health, or regulations for the enforcement of police or revenue laws, including laws prohibiting or restricting the importation or sale of alcoholic beverages or narcotics.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or charges, and no condition or prohibition on the importation of any article, the growth, produce, or manufacture of the territories of the other Party than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other country. Administrative orders effecting advances in duties or changes in regulations applicable to imports shall not be made operative until the elapse of sufficient time, after promulgation in the usual official manner, to afford reasonable notice of such advances or changes. The foregoing provision does not relate to orders made operative as required by provisions of law or judicial decisions, or to measures for the protection of human, animal or plant life or for the enforcement of police laws.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Neither High Contracting Party shall establish or maintain restrictions on imports from or exports to the territories of the other Party which are not applied to the import and export of any like article originating in or destined for any other country. Any withdrawal of an import or export restriction which is granted even temporarily by one of the Parties in favor of the articles of a third country shall be applied immediately and unconditionally to like articles originating in or destined for the other Contracting Party. In the event of rations or quotas being established for the importation or exportation of articles restricted or prohibited, each of the High Contracting Parties agrees to grant for the importation from or exportation to the territories of the other Party an equitable share in the allocation of the quantity of restricted goods which may be authorized for importation or exportation.

Any advantage concerning charges, duties, formalities and conditions of their application which either High Contracting Party may extend to any article, the growth, produce or manufacture of any other foreign country, shall simultaneously and unconditionally, without request and without compensation be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

All articles which are or may be legally imported from foreign countries into ports of the United States of America or are or may be legally exported therefrom in vessels of the United States of America, may likewise be imported into these ports or exported therefrom in Polish vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States of America; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Poland or are or may be legally exported therefrom in Polish vessels, may likewise be imported into these ports or exported therefrom in vessels of the United States of America without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Polish vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks and other privileges of this nature, of whatever denomination, which may be allowed in the territories of each of the Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High

Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third state, whether such favored state shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation be extended to the other High Contracting Party for the benefit of itself, its nationals, vessels and goods.

No distinction shall be made by either High Contracting Party between direct and indirect importations or articles originating in the territories of the other Party from whatever place arriving. In so far as importations into Poland are concerned, the foregoing stipulation applies only in the case of goods which for a part of the way from the place of their origin to the place of their ultimate destination had to be carried across the ocean.

Either Contracting Party has the right to require that articles which are imported from the territories of the other Party and are entitled under the provisions of this Treaty to the benefit of the duties or charges accorded to the most favored nation, must be accompanied by such documentary proof of their origin as may be required in pursuance of the laws and regulations of the country into which they are imported, provided, however, that the requirements imposed for this purpose shall not be such as to constitute in fact a hindrance to indirect trade. The requirements for furnishing such proof of origin shall be agreed upon and made effective by exchanges of notes between the High Contracting Parties.

The stipulations of this article shall not extend: (a) To the treatment which either High Contracting Party shall accord to purely border traffic within a zone not exceeding 10 miles (15 kilometers) wide on either side of its customs frontier.

(b) To the special privileges resulting to States in customs union with either High Contracting Party so long as such special privileges are not accorded to any other State.

(c) To the treatment which is accorded by the United States of America to the commerce of Cuba under the provisions of the commercial convention concluded by the United States of America and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States of America with Cuba. Such stipulations, moreover do not extend to the treatment which is accorded to commerce between the United States of America and the Panama Canal Zone or any of the dependencies of the United States of America, or to the commerce of the dependencies of the United States of America with one another under existing and future laws.

(d) To the provisional customs régime in force between Polish and German parts of Upper Silesia laid down in the German-Polish Convention signed at Geneva on May 15, 1922.

ARTICLE 7

The nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, charges in respect to warehousing and other facilities.

ARTICLE 8

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

ARTICLE 9

For the purposes of this Treaty, merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality, shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

ARTICLE 10

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that the nationals of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment.

The provisions of this Treaty relating to the mutual concession of national treatment in matters of navigation do not apply to special privileges reserved by either High Contracting Party for the fishing and shipbuilding industries.

ARTICLE 11

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy freedom of access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by the consent of such Party as expressed in its National, State, or Provincial laws and regulations.

ARTICLE 12

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business.

The nationals of either High Contracting Party, shall, moreover, enjoy within the territories of the other, on condition of reciprocity, and upon compliance with the conditions there imposed, such rights and privileges as may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other. It is understood, however, that neither High Contracting Party shall be required by anything in this paragraph to grant any application for any such right or privilege if at the time such application is presented the granting of all similar applications shall have been suspended or discontinued.

ARTICLE 13

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either High Contracting Party shall deem necessary the presentation of an authentic document establishing the identity and authority of commercial travelers representing manufacturers, merchants or traders domiciled in the territories of the other Party in order that such commercial traveler may enjoy in its territories the privileges accorded under this Article, the High Contracting Parties will agree by exchange of notes on the form of such document and the authorities or persons by whom it shall be issued.

ARTICLE 14

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the most convenient routes open for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons, their luggage and goods coming from, going to or passing through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories, or goods or luggage of which the importation may be prohibited by law. Persons, their luggage and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to any discrimination as regards charges, facilities or any other matter.

Goods in transit must be entered and cleared at the proper custom house, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

Nothing in this Article shall affect the right of either of the High Contracting Parties to prohibit or restrict the transit of arms, munitions and military equipment in accordance with treaties or conventions that may have been or may hereafter be entered into by either Party with other countries.

ARTICLE 15

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

ARTICLE 16

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at court by a consular officer as a witness may be demanded by the prosecution or defence. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the State which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony in cases to which he is not a party shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at court whenever it is possible to do so without serious interference with his official duties.

ARTICLE 17

Each of the High Contracting Parties agrees to permit the entry free of all duty of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other property intended for their personal use, accompanying the officer to his post; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories. Personal property imported by consular officers, their families or suites during the incumbency of the officers shall be accorded the customs privileges and exemptions accorded to consular officers of the most favored nation.

It is understood, however, that the privileges of this Article shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

ARTICLE 18

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions, shall be exempt from all taxes, National, State, Provincial and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within, the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

The Government of each High Contracting Party shall have the right to acquire and own land and buildings required for diplomatic or consular premises in the territory of the other High Contracting Party and also to erect buildings in such territory for the purposes stated subject to local building regulations.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used

exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial, and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE 19

Consular officers may place over the outer door of their respective offices the coat of arms of their State with an appropriate inscription designating the official office, and they may place the coat of arms of their State on automobiles employed by them in the exercise of their consular functions. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The quarters where consular business is conducted and the archives of the consulates shall at all times be inviolable, and under no pretext shall any authorities of any character within the country make any examination or seizure of papers or other property deposited with the archives. When consular officers are engaged in business within the territory of the State where they are exercising their duties, the files and documents of the consulate shall be kept in a place entirely separate from the one where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer, having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

ARTICLE 20

Consular officers, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

ARTICLE 21

Consular officers, in pursuance of the laws of their own country may (a) take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country; (b) draw up, attest, certify and authenticate unilateral acts, translations, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party; (c) authenticate signatures; (d) draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted, within the territories of the State by which they are appointed.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of the Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

A consular officer of either High Contracting Party shall within his district have the right to act personally or by delegate in all matters concerning claims of nonsupport of nonresident minor children against a father resident in the district of the consul's residence and a national of the country represented by the consul, without other authorization, providing that such procedure is not in conflict with local laws.

ARTICLE 22

In case of the death of a national of either High Contracting Party in the territory of the other without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of the death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

In case of the death of a national of either of the High Contracting Parties without will or testament and without any known heirs resident in the country of his decease, the consular officer of the country of which the deceased was a national shall be appointed administrator of the estate of the deceased, provided the regulations of his own Government permit such appointment and provided such appointment is not in conflict with local law and the tribunal having jurisdiction has no special reasons for appointing someone else.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE 23

A consular officer of either High Contracting Party may, if this is not contrary to the local law, appear personally or by delegate on behalf of nonresident beneficiaries, nationals of the country represented by him before the proper authorities administering workmen's compensation laws and other like statutes, with the same effect as if he held the power of attorney of such beneficiaries to represent them unless such beneficiaries have themselves appeared either in person or by duly authorized representative.

Written notice of the death of their countrymen entitled to benefit by such laws should, whenever practicable, be given by the authorities administering the law to the appropriate consular officer of the country of which the deceased was a national.

A consular officer of either High Contracting Party may on behalf of his non-resident countrymen collect and receipt for their distributive shares derived from estates in the process of probate or accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remits any funds so received through the appropriate agencies of his Government to the proper distributees.

ARTICLE 24

A consular officer of either High Contracting Party shall, within his district, have the right to appear personally or by delegate in all matters concerning the administration and

distribution of the estate of a deceased person under the jurisdiction of the local authorities for all such heirs or legatees in said estate, either minors or adults, as may be non-residents and nationals of the country represented by the said consular officer with the same effect as if he held their power of attorney to represent them unless such heirs or legatees themselves have appeared either in person or by duly authorized representative.

ARTICLE 25

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

ARTICLE 26

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE 27

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE 28

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

ARTICLE 29

The Polish Government which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Treaty signed in Paris on November 9, 1920, between Poland and the Free City of Danzig, reserves hereby the right to declare that the Free City of Danzig is a Contracting Party to this Treaty and that it assumes the obligations and acquires the rights laid down therein.

This reservation does not relate to those stipulations of the Treaty which the Republic of Poland has accepted with regard to the Free City in accordance with the Treaty rights conferred on Poland.

ARTICLE 30

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Warsaw. The Treaty shall take effect in all its provisions thirty days from the date of the exchange of ratifications and shall remain in full force for the term of one year thereafter.

If within six months before the expiration of the aforesaid period of one year neither High Contracting Party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the Articles in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until six months from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

In witness whereof the respective Plenipotentiaries have signed this Treaty and have affixed their seals thereto.

Done in duplicate, each in the English and Polish languages, both authentic, at Washington, this fifteenth day of June, one thousand nine hundred and thirty-one.

HENRY L STIMSON [SEAL]
TYTUS FILIPOWICZ [SEAL]

The treaty was reported to the Senate. The resolution of ratification was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive A, Seventy-second Congress, first session, a treaty of friendship, commerce, and consular rights with Poland, signed at Washington on June 15, 1931.

The resolution was agreed to, two-thirds of the Senators present voting in the affirmative.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McNARY. I ask that the nominations of postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

NAVY AND MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Navy and Marine Corps.

Mr. McNARY. I ask that the nominations in the Navy and Marine Corps be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc. This concludes the business on the Executive Calendar.

The Senate resumed legislative session.

SEWAGE-DISPOSAL METHODS IN THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, in relation to Senate

Resolution 44, requesting the Surgeon General of the Public Health Service to make an investigation of conditions resulting from the present method of disposing of sewage from the District of Columbia in the Potomac River, and stating in part: "It is proposed that the beginning of the reconnaissance survey be delayed until midsummer, when the river may be expected to be at a comparatively low stage and the amount of sewage from the District of Columbia may be assumed to be at its maximum. A report on the results of the proposed preliminary investigation will be made to the Senate as soon as practicable. It is not believed that this phase of the investigation should last over a period greater than two or three months," which was referred to the Committee on the District of Columbia.

FIXING THE TERMS OF PRESIDENT, VICE PRESIDENT, ETC., AND THE TIME OF ASSEMBLING OF CONGRESS

The VICE PRESIDENT laid before the Senate a letter from the Governor of the State of Michigan, together with a concurrent resolution of the legislature of that State, which, with the attached papers, was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
EXECUTIVE OFFICE,
Lansing, Mich., April 2, 1932.

Hon. CHARLES CURTIS,
President of the Senate of the United States,
Washington, D. C.

MY DEAR MR. CURTIS: Attached hereto is a certified copy of the preamble and Senate Concurrent Resolution No. 1, entitled:

"A concurrent resolution ratifying the proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress."

Said Concurrent Resolution No. 1 was unanimously adopted by the Senate of the State of Michigan on March 30, 1932, and by the House of Representatives on March 31, 1932.

Very respectfully yours,

WILBER M. BRUCKER.

MICHIGAN STATE SENATE,
Lansing.

To all to whom these presents shall come, greeting:

I certify that the copy hereto attached is a true copy of Senate Concurrent Resolution No. 1, entitled: "A concurrent resolution ratifying the proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress," which said Concurrent Resolution No. 1 was unanimously adopted by the Senate of the State of Michigan on March 30, 1932.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Michigan to be affixed at the city of Lansing, State of Michigan, this 2d day of April, A. D. 1932, and of the Commonwealth the ninety-seventh.

[SEAL.]

FRED I. CHASE,
Secretary of the Senate.

Attest:

FRANK A. FITZGERALD,
Secretary of State.

HOUSE OF REPRESENTATIVES,
Lansing, Mich.

To all to whom these presents shall come, greeting:

I certify that the copy hereto attached is a true copy of Senate Concurrent Resolution No. 1, entitled: "A concurrent resolution ratifying the proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress," which said Concurrent Resolution No. 1 was unanimously adopted by the House of Representatives of the State of Michigan on March 31, 1932.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Michigan to be affixed at the city of Lansing, State of Michigan, this 2d day of April, A. D. 1932, and of the Commonwealth the ninety-seventh.

[SEAL.]

MYLES F. GRAY,
Clerk of the House.

Attest:

FRANK A. FITZGERALD,
Secretary of State.

Senate Concurrent Resolution No. 1, ratifying the proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress

Whereas the Seventy-second Congress of the United States of America at its first session, in both Houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"JOINT RESOLUTION

"Proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States as provided in the Constitution:

"Article —

"SECTION 1. The term of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

"SEC. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

"SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

"SEC. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

Resolved by the Senate of the State of Michigan (the House of Representatives of the State of Michigan concurring), That in the name of, and on behalf of, the people of the State of Michigan, we do hereby ratify, approve, and assent to the said proposed amendment to the Constitution of the United States.

Resolved, That certified copies of the foregoing preamble and resolution be transmitted by his excellency, the Governor of the State of Michigan, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter from the secretary of the Senate of the State of Michigan, together with a resolution adopted by the Senate of Michigan, which were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
Lansing, April 1, 1932.

Hon. CHARLES CURTIS,
Vice President of the United States, Washington, D. C.

SIR: I have the honor to transmit herewith a copy of Senate Resolution No. 12, which was adopted by the senate on March 31, 1932.

Respectfully yours,

FRED I. CHASE,
Secretary of the Senate.

Senate Resolution 12

Whereas the need of stabilizing and encouraging American industry and business in order to stimulate employment and increase the use of farm products in this hour, demands a protest from Michigan against the proposed excise taxes on the products of our motor-car industry; and

Whereas added taxes on an industry that uses the products of steel, iron, copper, lumber, glass, lead, cotton, oil, and many others from American mines, forests, farms, and factories are bound to retard the revival of business and trade at this time: Now, therefore, be it

Resolved, That we petition President Hoover and the Members of Congress and the United States Senators from Michigan to do all in their power to prevent the infliction of this excise tax on America's motor-car industry in the interest of fairness and for the encouragement of employment and resumption of normal business activities; and be it further

Resolved, That copies of these resolutions be sent to President Hoover, the Speaker of the House, the chairmen of the Committees on Finance and Appropriations in the House and Senate, and to the Members from Michigan in both Houses.

Mr. CAPPER presented a memorial of sundry citizens of Oswego, Kans., remonstrating against the passage of legislation providing for the closing of barber shops on Sunday in the District of Columbia or other restrictive religious measures, which was referred to the Committee on the District of Columbia.

Mr. DAVIS presented a memorial of sundry citizens of Philadelphia, Pa., remonstrating against the passage of legislation providing for the closing of barber shops on Sunday in the District of Columbia or other restrictive religious measures, which was referred to the Committee on the District of Columbia.

Mr. SHIPSTEAD presented the petition of W. G. Tibbetts, of Minneapolis, Minn., praying for the passage of the bill (H. R. 9891) to provide for the establishment of a system of pensions for railroad and transportation employees and for a railroad pension board, and for other purposes, which was referred to the Committee on Interstate Commerce.

Mr. BLAINE presented resolutions adopted by the Ladies' Auxiliary and the Missionary Society of the Presbyterian Church of Oconto and the Woman's Foreign Missionary Society of Oconto Falls, in the State of Wisconsin, protesting against the proposed resubmission of the eighteenth amendment of the Constitution to the States, and favoring the making of adequate appropriations for law enforcement and education in law observance, which were referred to the Committee on the Judiciary.

Mr. ROBINSON of Arkansas presented memorials of sundry citizens of Little Rock, Ark., remonstrating against the passage of legislation imposing a "cent a shell" tax upon shotgun shells, which were referred to the Committee on Finance.

Mr. ASHURST presented a telegram in the nature of a memorial from the Disabled American Veterans, Tucson, Ariz., remonstrating against the passage of legislation proposing to reduce veterans' relief, especially with reference to compensation, which was referred to the Committee on Finance.

He also presented telegrams from R. E. Moore, city manager; F. H. Lyons and P. M. Long, all of Jerome, Ariz., remonstrating against the imposition of a tax on sales of stocks and bonds, which were referred to the Committee on Finance.

Mr. JONES presented petitions of sundry citizens of Spokane, Wash., praying for the passage of legislation providing old-age pensions, which were referred to the Committee on Pensions.

He also presented a letter from the clerk of the United States District Court for the Western District of Washington, Tacoma, Wash., transmitting, by direction of the court, copy of a recommendation made by the United States Grand Jury for the Western District of Washington, Southern Division, regarding the water supply and an isolation hospital at the United States Penitentiary at McNeil Island, Wash., which, with the accompanying paper, was referred to the Committee on the Judiciary.

Mr. WALSH of Massachusetts presented telegrams, in the nature of memorials, from 270 citizens of the State of Massachusetts, remonstrating against the imposition of a tax upon sales of stocks and bonds, which were referred to the Committee on Finance.

He also presented letters, in the nature of memorials, from 113 citizens of the State of Massachusetts, remonstrating against the proposed reduction in compensation of postal and other Federal employees, which were referred to the Committee on Civil Service.

Mr. TYDINGS presented a petition of sundry citizens of the State of Maryland, praying for the passage of legislation to regulate the sale and price of wheat, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of the State of Maryland, remonstrating against the passage of legislation imposing a "cent a shell" tax upon shot gun shells, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Baltimore, Md., favoring inclusion in the pending revenue and taxation bill of a general manufacturers' sales tax, which were referred to the Committee on Finance.

Mr. COPELAND presented a memorial of the New York Tow Boat Exchange (Inc.), of New York City, N. Y., remonstrating against the passage of legislation proposing to transfer to an administrative officer the duties of the United States Engineers Office or the Supervisor of the Harbor of New York, which was referred to the Committee on Commerce.

He also presented a petition of the executive committee of the Unemployed Union of West Queens, of Long Island, N. Y., praying for an investigation of alleged terrorism in mining operations in Bell and Harlan Counties, Ky., which was referred to the Committee on Manufactures.

He also presented a resolution adopted at Chicago, Ill., by representatives of business interests of the Middle West favoring retrenchment in governmental expenditures, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the New York Clearing House Association, of New York, N. Y., protesting against the passage of legislation making fundamental changes in the banking laws of the United States at the present time, which was referred to the Committee on Banking and Currency.

He also presented a petition of substitute letter carriers of the postal service at Buffalo, N. Y., praying for the passage of legislation granting sick and annual leave to substitute carriers and requiring the regular appointment of substitutes after one year of service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of the State of New York favoring the passage of legislation providing for a system of pensions for transportation employees, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Kiwanis Club, of Newark, N. J., favoring the passage of House bill 10492, to regulate the interstate transportation of weapons used in crimes of violence, which was referred to the Committee on Interstate Commerce.

He also presented petitions of several organizations of the State of New York praying for the passage of legislation providing for the deportation of undesirable aliens, which were referred to the Committee on Immigration.

He also presented the memorial of the Hope Baptist Missionary Society, of Albany, N. Y., remonstrating against the proposed resubmission of the national prohibition amendment to the States, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Westend Republican Club of Queens County (Inc.), of Woodhaven, N. Y., favoring the passage of legislation providing for the more effective control and punishment of crime, especially criminal gangs and organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Red Hook, N. Y., praying for the repeal of the national prohibition amendment of the Constitution, and protesting against the passage of legislation providing for cash payment of World War veterans' adjusted-compensation certificates, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at the annual convention of the American Brush Manufacturers' Association, at Philadelphia, Pa., remonstrating against the policies and methods of officials of the Bureau of Prisons, and opposing the making of appropriations for the purchase or operation of labor-saving machinery in the brush factory at Leavenworth prison, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Exchange Club, of New Berlin, N. Y., favoring the enforcement of the provisions of section 307 of the tariff act of 1930, prohibiting the importation of goods produced by convict, forced, or

indentured labor, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Chamber of Commerce of the Borough of Queens, New York City, favoring the imposition of an increased duty on sugar importations, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Chamber of Commerce of the Borough of Queens, New York City, requesting consideration of views submitted by it on the subject of Federal taxation, which was referred to the Committee on Finance.

He also presented a memorial of employees of the Remington Arms Co. (Inc.), of Ilion, N. Y., remonstrating against the proposed 1 cent per shell tax on loaded shot shells, which was referred to the Committee on Finance.

He also presented a letter of the Southern Pine Association, of New Orleans, La., favoring certain suggestions contained in a printed pamphlet by John H. Kirby, entitled "A Relief for Unemployment and an Aid in the Pursuit of Happiness," which, with the accompanying papers, was referred to the Committee on Finance.

He also presented the petition of Syracuse Lodge, No. 381, International Association of Machinists, of Syracuse, N. Y., favoring an increase in inheritance and income taxes in the higher brackets, which was referred to the Committee on Finance.

He also presented a telegram from the Rochester Coal Merchants Association, of Rochester, N. Y., praying for the passage of legislation imposing a tax of 10 cents per hundred pounds on importations of anthracite coal, which was referred to the Committee on Finance.

He also presented the memorial of the Endicott Automobile Club (Inc.), of Endicott, N. Y., remonstrating against the proposed tax on automobiles and gasoline, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens, being jewelers, of Binghamton and Olean, N. Y., remonstrating against the proposed 10 per cent sales tax on jewelry, which were referred to the Committee on Finance.

He also presented several petitions of citizens of the State of New York, praying for the passage of legislation providing for the cash payment of World War adjusted-compensation certificates (bonus), which were referred to the Committee on Finance.

He also presented memorials of sundry citizens and various organizations of the State of New York, remonstrating against the proposed tax on the sale of securities, which were referred to the Committee on Finance.

He also presented petitions and resolutions in the form of petitions of sundry citizens and various organizations of the State of New York, praying for the defeat of legislation providing a reduction in the compensation of Federal employees, which were referred to the Committee on Civil Service.

STATUE OF WASHINGTON, COMMEMORATING HIS TAKING COMMAND OF THE CONTINENTAL ARMIES

Mr. WALSH of Massachusetts. Mr. President, I ask to have printed in the RECORD and appropriately referred a letter embodying a resolution adopted by the Cambridge Historical Society of Massachusetts, indorsing the proposal of the Cambridge Committee on the Bicentennial of the Birth of George Washington, that the United States shall erect a statue to commemorate his taking command of the Continental Armies.

There being no objection, the letter embodying a resolution was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: At a meeting of the Cambridge Historical Society held at Craigie House, General Washington's headquarters in Cambridge, on February 22, 1932, the Cambridge Historical Society voted unanimously that—

"We heartily indorse the proposal of the Cambridge committee on the bicentennial of the birth of George Washington that the United States shall erect a statue to Washington to commemorate his taking command of the armies of the United Colonies at Cambridge on July 2, 1775, at the site of the Washington Elm or near by on Cambridge Common, the said statue to be preferably equestrian."

I was directed, as secretary of the society, to send you a copy of this resolution.

Yours very sincerely,

ELDON R. JAMES, *Secretary.*

PROPOSED IMPORT DUTY ON COAL

Mr. WALSH of Massachusetts. Mr. President, I ask permission to have printed in the RECORD and appropriately referred a telegram which I have received from the Division on the Necessaries of Life of the Commonwealth of Massachusetts, vigorously protesting the imposition of a $2 tax per ton on imported anthracite coal. This protest is made in behalf of the consumers of coal in Massachusetts.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

BOSTON, MASS., *April 4, 1932.*

Hon. DAVID I. WALSH,
Washington, D. C.

MY DEAR SENATOR: The division on the necessaries of life of the Commonwealth of Massachusetts, in behalf of the consumers of Massachusetts, vigorously protest the imposition of a $2 tax per ton on foreign anthracite and requests that a determined fight be made to eliminate this tax from the revenue bill now before the Senate. The revenue derived from this tax, based on 1931 receipts, would be about a million dollars, which is inconsequential in comparison with the prospective prices that would most likely be charged our Massachusetts consumers for this monopolistic fuel if foreign competition is eliminated. Until a reduction of anthracite prices was announced last Saturday our retail prices have been equivalent to those charged in all normal years since 1920. Diversion from the use of anthracite to substitute fuels has caused the anthracite industry great concern, and now it is proposed that a monopoly be rehabilitated through the imposition of this prohibitive tax. New England received 96 per cent of total United States imports of 638,000 net tons in 1931—Massachusetts 65 per cent. Foreign anthracite, notwithstanding steady increase in its use, is still considered a luxury fuel in that its retail price is generally higher than domestic anthracite. The solution of this anthracite problem is in the hands of three factors, the principal one of which is the railroads, who charge $4.28 per gross ton for a 350-mile haul from the anthracite field to Boston. The Welsh coal fields are 3,500 miles away, about ten times the distance, but the ocean freight rate is $1.20 per gross ton. The Russian coal fields are approximately 8,500 miles away, but the freight rate is only $2.50 a ton. The Indo-China coal fields are over 12,000 miles away, forty times the distance from Pennsylvania, but the transportation charge is only $3.20 per gross ton. The coal and coke proposals are misjudged efforts to protect natural-resource industries against the consequences of domestic overexploitation that can only be cured by drastic direct action. It is proposed by this tax to penalize the consumers of Massachusetts and New England because of our geographical location, and it is hoped that through your good offices this tax will be eliminated. The imposition of a tax on foreign coke is equally as drastic, for although the imports up until recently have been small, the elimination of competition resulting from a tax of this kind reacts detrimentally to the consumer.

RALPH W. ROBART,
Director Division on the Necessaries of Life, Boston, Mass.

THE REMONETIZATION OF SILVER

Mr. WHEELER presented a petition in the form of a resolution, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Knowing only too well the distressed condition of the farmer class, and lamenting the fact that Congress has done nothing toward the enactment of remedial legislation, more than to make gestures, and believing the Wheeler bill, S. 2487, now pending in Congress, to be fundamental, and therefore necessary to the preservation of not our class alone but all others as well, knowing, as we do, that farming is basic, and hence, all other industries are founded thereon: Therefore, be it

Resolved, That this mass meeting of 500 persons, said meeting being sponsored by the Harmon County Farmers Union, urge that our Members in Congress give to the said Wheeler bill, S. 2487, their immediate active support, both by their influence and finally by their vote.

Unanimously adopted, February 22, 1932, at courthouse, Hollis, Okla.

L. F. MARTIN, *Chairman.*
R. B. BRYANT, *Secretary.*

Mr. WHEELER also presented a petition of sundry citizens of the State of South Dakota, which was referred to the Committee on Finance and ordered to be printed in the RECORD, without the signatures, as follows:

RESOLUTION AND PETITION TO CONGRESS URGING PASSAGE OF WHEELER BILL, S. 2487

Whereas a medium of exchange so limited in quantity as to make its use prohibitive in world commerce, either in direct coinage service, or as a basis for currency issue (even when not cornered but given the freest possible circulation); and

Whereas silver as a precious metal is admirably adapted, both as a direct and indirect medium of exchange for world commerce, same being already in use in most of the nations of the world; and

Whereas the remonetization of silver will not only be an essential step toward dethroning a despotic, usurping tyrant that is heading man "back to the cave," but also toward such issuance and control of money as provided for in the Constitution; and

Whereas the conquests of science and invention have brought the world to our door, making ox-cart isolation very impractical, expensive, and inconvenient, if not tragical; and

Whereas the last stand of the gold standard battling to retain world supremacy has so paralyzed world commerce as to place recovery in question or doubt: Therefore

As loyal American citizens, looking toward the welfare and perpetuity of our Nation, we herewith petition you, our Representatives in Congress, to lend all possible support to the Wheeler bill, S. 2487, as an initial step toward honest money and credit, and toward that end we herewith subscribe our names.

Respectfully submitted for your cooperation.

IMMIGRATION OF FOREIGN LABOR

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD a memorial remonstrating against the immigration of foreign labor into the United States, together with the names of a few of the prominent people of the State of Washington who have signed the memorial. I ask to have the memorial, containing 175,000 names, referred to the Committee on Immigration.

There being no objection, the memorial was referred to the Committee on Immigration and was ordered to be printed in the RECORD, as follows:

COLLINSVILLE, OKLA., *April 1, 1932.*

Hon. C. C. DILL,
Washington, D. C.

DEAR SENATOR: I am sending to you under separate cover, by express, petition containing approximately 170,000 signatures against the immigration of foreign labor to this country.

Will you please see what you can do with same. Also, will you notify the public through newspaper reporters that you have received said petition, and said signers will be ever grateful to you for your interest in the matter.

Expecting to be back home in the State of Washington for the election, I am,

Yours very truly,

JNO. N. WILSON.

A FEW PROMINENT PEOPLE OF OLYMPIA, WASH., WHO HAVE SIGNED OUR PETITION

J. Grant Hinkle, secretary of state of the State of Washington; A. M. Kitto, assistant secretary of state of the State of Washington; Ray Yeoman, clerk in the office of secretary of state of Washington; Nettie E. Hopkins, stenographer, office of secretary of state of Washington; Melvin B. Wells, clerk, office of the secretary of state of Washington; Dorothy Loucks, stenographer, office of secretary of state of Washington; Leila L. Berry, stenographer, office of secretary of state of Washington; Marian E. Carmell, stenographer, office of secretary of state of Washington; John R. Mitchell, chief justice, State Supreme Court, State of Washington; John H. Dunbar, attorney general of the State of Washington; E. R. Donnelly, assistant attorney general of the State of Washington; C. W. Clausen, State auditor of the State of Washington; J. P. Jamison, assistant State auditor of the State of Washington; Chas. Hinton, State treasurer of the State of Washington; Homer R. Jones, assistant State treasurer of the State of Washington; J. T. Trullinger, assistant attorney general, State of Washington; W. A. Grace, State Capitol, State of Washington; Leonard E. Top, assistant prosecuting attorney, Thurston County, Wash.; Oliver R. Ingersoll, candidate for prosecuting attorney, Thurston County, Wash.; C. J. Bartholett, hydraulics division, State Capitol, State of Washington; Fred Agate, State Capitol, State of Washington; Phil K. Eaton, attorney; H. C. Brodie, attorney; C. W. Karney, division conservation development, State Capitol, State of Washington.

REPORTS OF COMMITTEES

Mr. HEBERT, from the Committee on the Judiciary, to which was referred the bill (S. 1335) to provide for the appointment of two additional district judges for the district of New Jersey, reported it with amendments and submitted a report (No. 507) thereon.

Mr. BLAINE, on behalf of himself and Mr. CAPPER, submitted the views of the minority to accompany the joint resolution (S. J. Res. 13) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, which were ordered to be printed as part 2 of Report No. 475.

AGRICULTURAL DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 79)

Mr. McNARY submitted a report, which was ordered to lie on the table and be printed, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7912) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 41, 45, 47, 62, 63, 64, 65, 66, 74, and 75.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 7, 8, 10, 12, 18, 19, 20, 23, 24, 25, 26, 27, 28, 43, 44, 49, 50, 51, 52, 54, 55, 57, 58, 59, 60, 70, 71, 72, 73, 79, and 81 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Public Resolution No. 9, Fifty-eighth Congress, first session, approved March 14, 1904 (U. S. C., title 44, sec. 290), is hereby amended by striking out all after the resolving clause and inserting in lieu thereof the following"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,503,218"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,164,038"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,631,360"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$699,079"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$683,599"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$892,145"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,201,661"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,217,687"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$544,940"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$133,284"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$127,489"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,131,244"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,019,640"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,491,764"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$12,383,304"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided further*, That no part of any money appropriated by this act shall be used for purchasing any motor-propelled passenger-carrying vehicle (except busses and station wagons) at a cost, completely equipped for operation, in excess of $750, except where, in the judgment of the department, special requirements can not thus be efficiently met, such exceptions, however, to be limited to not to exceed 10 per cent of the total expenditures for such motor vehicles purchased during the fiscal year; including the value of a vehicle exchanged where exchange is involved; nor shall any money appropriated herein be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and 'official purposes' shall not include the transportation of officers and employees between their domiciles and places of employment except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only when the same is approved by the head of the department. The limitations of this proviso shall not apply to any motor vehicle for official use of the Secretary of Agriculture."; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"SEC. 3. No appropriation under the Department of Agriculture available during the fiscal years 1932 and/or 1933 shall be used after the date of the approval of this act to pay the compensation of an incumbent appointed to any position under the Federal Government which is vacant on the date of the approval of this act or to any such position which may become vacant after such date: *Provided*, That this inhibition shall not apply (a) to absolutely essential positions the filling of which may be authorized or approved in writing by the President of the United States, either individually or in groups, or (b) to temporary, emergency, seasonal, and cooperative positions. The appropriations or portions of appropriations unexpended by the operation of this section shall not be used for any other purposes but shall be impounded and returned to the Treasury, and a report of all such vacancies, the number thereof filled, and the amounts unexpended, for the period between the date of the approval of this act and October 31, 1932, shall be submitted to Congress on the first day of the next regular session: *Provided*, That such impounding of funds may be waived in writing by the President of the United States in connection with any appropriation or portion of appropriation, when, in his judgment, such action is necessary and in the public interest."

And the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 6, 13, 14, 15, 16, 17, 21, 22, 29, 30, 53, 56, 61, 67, 68, 69, 76, 77, and 82.

CHAS. L. MCNARY,
W. L. JONES,
HENRY W. KEYES,
JOHN B. KENDRICK,
Managers on the part of the Senate.

J. P. BUCHANAN,
JOHN N. SANDLIN,
ROBT. G. SIMMONS,
Managers on the part of the House.

AGRICULTURAL RELIEF

Mr. WHEELER. Mr. President, I invite the attention of the Senate to an article appearing in the New York Herald Tribune of this morning, reading as follows:

FEDERAL CREDIT PLANNED TO HELP MORTGAGE FIRMS—POOL, BACKED BY R. F. C., FORMING TO MEET HALF BILLION IN BOND MATURITIES

By Randolph Phillips

Negotiations between the Reconstruction Finance Corporation and the major guarantee companies of New York City are under way whereby the interests of more than 150,000 mortgage bondholders will be safeguarded by a pooling of the resources of the companies, backed by the reserves of the Government agency, that will enable the meeting, without default, of approximately $500,000,000 in first-mortgage maturities during 1932 and the payment of interest when due.

The appointment of a prominent Wall Street figure—whose name can not be revealed at this time—to head a committee which will supervise the activities of the mortgage companies borrowing from the Government is an essential of the plan which officials of the Reconstruction Finance Corporation are attempting to effect.

The first intimation of the negotiations came in an announcement of The Prudence Co. (Inc.), of New York, last night that "it had obtained the cooperation of the United States Government through the Reconstruction Finance Corporation" in preserving the safety of guaranteed first-mortgage investments.

Mr. President, when the Reconstruction Finance Corporation act was passed it was stated upon the floor of the Senate that it was going to help and would be of tremendous help to the farmers of the country in that it would refinance the local banks and make it possible for them to loan money to the farmers. The Reconstruction Finance Corporation has been in existence now for a considerable period of time, and my recent investigation throughout the Northwest convinces me that, so far as that corporation is concerned, it has been of no benefit whatsoever to the farmers. Neither, Mr. President, has the bill which we enacted for the purpose of helping the Federal farm-land banks to sell their bonds been of any value to the farmers throughout the United States.

I call attention to the fact that throughout the Middle West and the Northwest to-day not one single farmer, even though his land is not mortgaged, can go to the banks and borrow a 5-cent piece. Apparently the word has gone out to banks throughout the Northwest that they should loan no money to farmers. Regardless of whether or not they have assets, whether they have cattle that are unmortgaged, or whether they have farms on which there are no mortgages, they are unable to get any money; and the Federal land banks are threatening to foreclose the farm mortgages which are due. Because of that fact, I am going to introduce, out of order, a bill to provide emergency financial facilities to aid in the financing of agriculture, and for other purposes.

I want to say to the Senate that this bill follows exactly the language of the Reconstruction Finance Corporation bill that has passed both branches of Congress, has been

signed by the President, and is now being administered by the board. The only respect in which it differs from the Reconstruction Finance Corporation law is that it provides that money shall be loaned directly to farmers; but the provisions for raising the money are identical with those in the Reconstruction Finance Corporation law. The members of the board are to consist of the Secretary of Agriculture, the governor of the Federal Reserve Board, and the Farm Loan Commissioners, and four others.

Ordinarily, in drafting a bill for the benefit of the farmers of the United States, I certainly would not have put on the board to administer it Eugene Meyer, the head of the Federal Reserve Board; but because I understand he is the guiding genius of the administration with reference to finance, I have provided in this bill that he shall be a member of the board; likewise that four other persons shall be appointed thereto by the President of the United States, by and with the advice and consent of the Senate.

The bill also provides for a corporation which shall have a capital stock of $500,000,000, to be subscribed by the United States, payment for which shall be subject to call, in whole or in part, of the board of directors of the corporation. The bill also provides, identically with the provisions of the Federal Finance Corporation act, that the corporation may issue securities up to $2,000,000,000.

Mr. President, the Senate, the House of Representatives, and the administration have talked about helping the farmers; they have talked about refinancing the farmers; they have talked about bringing, if you please, the prices of farm commodities up; they have talked about trying to put money more in circulation and about actually wishing to do something for the benefit of the farmers. I say to the Senate to-day that the farmers of the country need refinancing more than the bankers need it, more than the railroad companies need it, more than the insurance companies need it, and more than the mortgage-loan companies need it. I assert that we are not going to have prosperity in the country unless we begin at the bottom rather than at the top. For that reason I am introducing this bill, and I ask that it may be printed in the RECORD and referred to the Committee on Agriculture and Forestry. I hope that committee will give the bill prompt consideration and that it may be passed at this session of Congress.

The bill, introduced by Mr. WHEELER (S. 4323) to provide emergency financing facilities to aid in financing agriculture, and for other purposes, was read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That there be, and is hereby, created a body corporate with the name Farmers' Reconstruction Finance Corporation (herein called the corporation). That the principal office of the corporation shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the board of directors. This act may be cited as the "Farmers' Reconstruction Finance Corporation act."

SEC. 2. The corporation shall have capital stock of $500,000,000 subscribed by the United States, payment for which shall be subject to call in whole or in part by the board of directors of the corporation. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000,000, for the purpose of making payments upon such subscription when called. Receipts for payments by the United States for or on account of such stock shall be issued by the corporation to the Secretary of the Treasury and shall be evidence of the stock ownership of the United States.

SEC. 3. The management of the corporation shall be vested in a board of directors consisting of the Secretary of Agriculture, the governor of the Federal Reserve Board, and the Farm Loan Commissioner, who shall be members ex officio, and four other persons appointed by the President of the United States, by and with the advice and consent of the Senate. Of the 7 members of the board of directors not more than 4 shall be members of any one political party and not more than 1 shall be appointed from any one Federal reserve district. Each director shall devote his time not otherwise required by the business of the United States principally to the business of the corporation. Before entering upon his duties each of the directors so appointed and each officer of the corporation shall take an oath faithfully to discharge the duties of his office. Nothing contained in this or in any other act shall be construed to prevent the appointment and compensation as an employee of the corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof. The terms of the directors appointed by the President of the United States shall be two years and run from the date of the enactment hereof and until their successors are appointed and qualified. Whenever a vacancy shall occur among the directors so appointed, the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the director whose place he is selected to fill. The directors of the corporation appointed as hereinbefore provided shall receive salaries at the rate of $10,000 per annum each. No director, officer, attorney, agent, or employee of the corporation shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly interested.

SEC. 4. The corporation shall have succession for a period of 10 years from the date of the enactment hereof, unless it is sooner dissolved by an act of Congress. It shall have power to adopt, alter, and use a corporate seal; to make contracts; to lease such real estate as may be necessary for the transaction of its business; to sue and be sued, to complain and to defend, in any court of competent jurisdiction, State or Federal; to select, employ, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the corporation, without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; to define their authority and duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, by-laws, rules, and regulations governing the manner in which its general business may be conducted and the powers granted to it by law may be exercised and enjoyed, including the selection of its chairman and vice chairman, together with provision for such committees and the functions thereof as the board of directors may deem necessary for facilitating its business under this act. The board of directors of the corporation shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid. The corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The corporation, with the consent of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this act.

SEC. 5. To aid in financing agriculture the corporation is authorized and empowered to make loans to farmers upon improved farm land, upon such terms and conditions not inconsistent with this act as it may determine. All such loans shall be fully and adequately secured. The corporation, under such conditions as it shall prescribe, may take over or provide for the administration and liquidation of any collateral accepted by it as security for such loans. Such loans may be made directly upon promissory notes or by way of discount or rediscount of obligations tendered for the purpose, or otherwise in such form and in such amount and at such interest or discount rates as the corporation may approve; except that in no case shall any such interest or discount rate exceed 5 per cent per annum.

Each such loan may be made for a period not exceeding five years, and the corporation may from time to time extend the time of payment of any such loan, through renewal, substitution of new obligations, or otherwise; but the time for such payment shall not be extended beyond five years from the date upon which such loan was made originally. The corporation may make loans under this section at any time prior to the expiration of one year from the date of the enactment hereof; and the President may from time to time postpone such date of expiration for such additional period or periods as he may deem necessary, not to exceed two years from the date of the enactment hereof.

No fee or commission shall be paid by any applicant for a loan under the provisions hereof in connection with any such application or any loan made or to be made hereunder, and the agreement to pay or payment of any such fee or commission shall be unlawful.

SEC. 6. Section 5202 of the Revised Statutes of the United States, as amended, is hereby amended by inserting after the words "Reconstruction Finance Corporation act" the words "and the Farmers' Reconstruction Finance Corporation act."

SEC. 7. All moneys of the corporation not otherwise employed may be deposited with the Treasurer of the United States subject to check by authority of the corporation or in any Federal reserve bank, or may, by authorization of the board of directors of the corporation, be used in the purchase for redemption and retirement of any notes, debentures, bonds, or other obligations issued by the corporation, and the corporation may reimburse such Federal reserve bank for their services in the manner as may be agreed upon. The Federal reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the corporation in the general performance of the powers conferred upon it by this act.

SEC. 8. The corporation is authorized and empowered, with the approval of the Secretary of the Treasury, to issue, and to have outstanding at any one time in an amount aggregating not more than three times its subscribed capital, its notes, debentures, bonds, or other such obligations; such obligations to mature not more than five years from their respective dates of issue, to be redeemable at the option of the corporation before maturity in such manner as may be stipulated in such obligations, and to bear such rate or rates of interest as may be determined by the

corporation: *Provided*, That the corporation, with the approval of the Secretary of the Treasury, may sell on a discount basis short-term obligations payable at maturity without interest. The notes, debentures, bonds, and other obligations of the corporation may be secured by assets of the corporation in such manner as shall be prescribed by its board of directors: *Provided*, That the aggregate of all obligations issued under this section shall not exceed three times the amount of the subscribed capital stock. Such obligations may be offered for sale at such price or prices as the corporation may determine, with the approval of the Secretary of the Treasury. The said obligations shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof. In the event that the corporation shall be unable to pay upon demand, when due, the principal of or interest on notes, debentures, bonds, or other such obligations issued by it, the Secretary of the Treasury shall pay the amount thereof, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amounts so paid to the Secretary of the Treasury shall succeed to all the rights of the holders of such notes, debentures, bonds, or other obligations. The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of the corporation to be issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the second Liberty bond act, as amended, and the purposes for which securities may be issued under the second Liberty bond act, as amended, are extended to include any purchases of the corporation's obligations hereunder. The Secretary of the Treasury may, at any time, sell any of the obligations of the corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the corporation shall be treated as public-debt transactions of the United States. Such obligations shall not be eligible for discount or purchase by any Federal reserve bank.

SEC. 9. Any and all notes, debentures, bonds, or other such obligations issued by the corporation shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The corporation, including its franchise, its capital, reserves, and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

SEC. 10. In order that the corporation may be supplied with such forms of notes, debentures, bonds, or other such obligations as it may need for issuance under this act, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the corporation, to be held in the Treasury subject to delivery, upon order of the corporation. The engraved plates, dies, bed pieces, etc., executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The corporation shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other obligations.

SEC. 11. When designated for that purpose by the Secretary of the Treasury, the corporation shall be a depositary of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and it may also be employed as a financial agent of the Government; and it shall perform all such reasonable duties, as depositary of public money and financial agent of the Government, as may be required of it. Obligations of the corporation shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof.

SEC. 12. Upon the expiration of the period of one year within which the corporation may make loans, or of any extension thereof by the President under the authority of this act, the board of directors of the corporation shall, except as otherwise herein specifically authorized, proceed to liquidate its assets and wind up its affairs. It may, with the approval of the Secretary of the Treasury, deposit with the Treasurer of the United States as a special fund any money belonging to the corporation or from time to time received by it in the course of liquidation or otherwise, for the payment of principal and interest of its outstanding obligations or for the purpose of redemption of such obligations in accordance with the terms thereof, which fund may be drawn upon or paid out for no other purpose. The corporation may also at any time pay to the Treasurer of the United States as miscellaneous receipts any money belonging to the corporation or from time to time received by it in the course of liquidation or otherwise in excess of reasonable amounts reserved to meet its requirements during liquidations. Upon such deposit being made, such amount of the capital stock of the corporation as may be specified by the corporation with the approval of the Secretary of the Treasury, but not exceeding in par value the amount so paid in, shall be canceled and retired. Any balance remaining after the liquidation of all the corporation's assets and after provision has been made for payment of all legal obligations of any kind and character shall be paid into the Treasury of the United States as miscellaneous receipts. Thereupon the corporation shall be dissolved and the residue, if any, of its capital stock shall be canceled and retired.

SEC. 13. If at the expiration of the 10 years for which the corporation has succession hereunder its board of directors shall not have completed the liquidation of its assets and the winding up of its affairs, the duty of completing such liquidation and winding up of its affairs shall be transferred to the Secretary of the Treasury, who for such purpose shall succeed to all the powers and duties of the board of directors of the corporation under this act. In such event he may assign to any officer or officers of the United States in the Treasury Department the exercise and performance, under his general supervision and direction, of any such powers and duties; and nothing herein shall be construed to affect any right or privilege accrued, any penalty or liability incurred, any criminal or civil proceeding commenced, or any authority conferred hereunder, except as herein provided in connection with the liquidation of the remaining assets and the winding up of the affairs of the corporation, until the Secretary of the Treasury shall find that such liquidation will no longer be advantageous to the United States and that all of its legal obligations have been provided for, whereupon he shall retire any capital stock then outstanding, pay into the Treasury as miscellaneous receipts the unused balance of the moneys belonging to the corporation, and make the final report of the corporation to the Congress. Thereupon the corporation shall be deemed to be dissolved.

SEC. 14. The corporation shall make and publish a report quarterly of its operations to the Congress stating the aggregate loans made pursuant to this act during the period covered by such report and the number of borrowers by States. The statement shall show the assets and liabilities of the corporation, and the first report shall be made on April 1, 1932, and quarterly thereafter. It shall also show the names and compensation of all persons employed by the corporation whose compensation exceeds $400 a month.

SEC. 15. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security for the purpose of obtaining for himself or for any applicant any loan or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the corporation, or for the purpose of obtaining money, property, or anything of value under this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

(b) Whoever (1) falsely makes, forges, or counterfeits any note, debenture, bond, or other obligation, or coupon, in imitation of or purporting to be a note, debenture, bond, or other obligation, or coupon, issued by the corporation, or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note, debenture, bond, or other obligation, or coupon purporting to have been issued by the corporation, knowing the same to be false, forged, or counterfeited, or (3) falsely alters any note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the corporation, or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, as true any falsely altered or spurious note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the corporation, knowing the same to be falsely altered or spurious, or any person who willfully violates any other provision of this act, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(c) Whoever, being connected in any capacity with the corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise entrusted to it, or (2) with intent to defraud the corporation or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the corporation, makes any false entry in any book, report, or statement of or to the corporation, or, without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, or (3) with intent to defraud participates, shares, receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, commission, contract, or any other act of the corporation, or (4) gives any unauthorized information concerning any future action or plan of the corporation which might affect the value of securities, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(d) No individual, association, partnership, or corporation shall use the words "Farmers' Reconstruction Finance Corporation," or a combination of these four words, as the name or a part thereof under which he or it shall do business. Every individual, partnership, association, or corporation violating this prohibition shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding $1,000 or imprisonment not exceeding one year, or both.

(e) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C., title 18, ch. 5, secs. 202 to 207, inclusive), in so far as applicable, are extended to apply to contracts or agreements with the corporation under this act, which for the purposes hereof shall be held to include loans, advances, discounts, and rediscounts; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

SEC. 16. The right to alter, amend, or repeal this act is hereby expressly reserved. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of com-

petent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4316) granting a pension to Emma Foster (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4317) granting an increase of pension to Elizabeth B. Craig (with accompanying papers); to the Committee on Pensions.

By Mr. HASTINGS:

A bill (S. 4318) for the relief of Horace G. Knowles; to the Committee on Claims.

By Mr. HAWES:

A bill (S. 4319) to amend the act approved May 15, 1928, entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes"; to the Committee on Commerce.

By Mr. STEIWER:

A bill (S. 4320) to amend the Reconstruction Finance Corporation Act to provide for loans to producers of canned foods; to the Committee on Banking and Currency.

A bill (S. 4321) for the relief of the successors of Josiah W. Doten and John S. Doten; to the Committee on Claims.

By Mr. HULL:

A bill (S. 4322) granting a pension to Martha E. Cox; to the Committee on Pensions.

By Mr. FRAZIER:

A joint resolution (S. J. Res. 136) for creating a secrecy commission; to the Committee on Military Affairs.

MERGER OF STREET RAILWAYS IN THE DISTRICT—AMENDMENTS

Mr. BLAINE and Mr. CAPPER jointly submitted nine amendments intended to be proposed by them to the joint resolution (S. J. Res. 13) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, which were ordered to lie on the table and to be printed.

PROPOSED AMENDMENT OF EMERGENCY OFFICERS' RETIREMENT ACT

Mr. REED. Mr. President, Order of Business No. 507, being the bill (S. 3769) proposing to amend the emergency officers' retirement act, has been favorably reported by the Military Affairs Committee. The bill was in that committee about a month, and no request for hearings came from any person, although the committee did actually send for and examine representatives of the War Department and of the Veterans' Administration. However, since the bill has been reported every Member of the Senate has received a large number of telegrams from persons affected, or who think they will be affected by the bill, complaining of the measure being reported without a hearing. I do not think that fairness requires any more opportunity for hearings; but, in order that there may be no complaint and no ground for any reasonable complaint, I am going to ask that the bill may be recommitted to the Committee on Military Affairs. If that shall be done, we shall have a subcommittee appointed in order to hear any person who wants to present evidence.

The VICE PRESIDENT. Is there objection?

Mr. KING. Mr. President, I shall not object to the request of the Senator from Pennsylvania, although, in my opinion, there are no sufficient reasons for a hearing on the bill to which he refers.

This bill, Mr. President, will, I believe, commend itself to the judgment of Senators and all fair-minded men. When the reserve officers' retirement bill was under consideration it was represented by a distinguished Senator, whose untimely death we very much deplore, that but a few hundred persons—perhaps between twelve and fifteen hundred—would make application for retirement privileges. Much to the surprise of many—though not to my surprise, because I predicted that there would be thousands—more than 6,000——

Mr. REED. Seven thousand.

Mr. KING. Seven thousand officers have applied for and received retirement benefits. Many of them were never overseas; a considerable number were doctors; and a large number served in clerical or administrative positions or in situations connected with what might be called business activities in contradistinction to military service on land or on sea. It is claimed that the law was so administered or construed, or both, as to permit some persons to receive retirement benefits who were not entitled to the same, and that a proper administration of the law and a proper examination of those who have claimed and have obtained retirement benefits would result in the elimination of no small number of names from the reserve officers' retirement roll. Certainly no person whose name is upon this roll can object to a reexamination. If there are names upon the roll that ought to be stricken off, certainly no obstacle should be interposed to accomplish that result. I shall ask the chairman of the committee to expedite the hearings to the end that the bill may be reported back to the Senate at the earliest possible date.

Mr. BRATTON. Mr. President, I wish to say just a word respecting the request of the Senator from Pennsylvania. I have received a number of protests from veterans in New Mexico who are affected by the bill. They complain severely that they were not afforded an opportunity to be heard. I think they should have a full opportunity to present their views, and I am glad that opportunity is to be afforded them. Mr. President, I am not in favor of the bill. There are cases where individuals receive compensation under the emergency officers' retirement act and at the same time receive other compensation from the Government. Those, however, are exceptional cases, and they should be corrected. Some limitation should be put upon dual compensation of that character, but veterans falling in that category are by far in the minority.

This bill, as I understand it, changes the whole basis of compensation to emergency retired officers; it puts them upon a different basis. As I have stated—and I shall elaborate my position at a subsequent time—I oppose the measure in its present form, and I am glad that the Senator from Pennsylvania has asked that the bill may be recommitted to his committee, in order that an opportunity may be accorded those affected to present their views. The measure is important; it is far-reaching; and it deserves that consideration which the committee, under the leadership of the Senator from Pennsylvania, will give it.

The VICE PRESIDENT. Without objection, the bill will be recommitted to the Committee on Military Affairs.

SURVEY OF INDIAN CONDITIONS—EXPENSES

Mr. FRAZIER submitted the following resolution (S. Res. 193), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, authorized by Senate Resolution No. 79, Seventieth Congress, agreed to February 1, 1928, to make a general survey of Indian conditions, hereby is authorized to expend in furtherance of the purposes of said resolution $12,000 in excess of the amount heretofore authorized.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 3836. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near the northeast quarter section 11, township 10 north, range 8 east, Leake County, Miss.; and

S. J. Res. 47. Joint resolution for the improvement of Chevy Chase Circle with a fountain and appropriate landscape treatment.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 300. An act to amend section 319 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909;

H. R. 4724. An act to confer to certain persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' homes;

H. R. 5848. An act authorizing and directing the Secretary of War to lend to the entertainment committee of the United Confederate Veterans 250 pyramidal tents, complete; fifteen 16 by 80 by 40 foot assembly tents; thirty 11 by 50 by 15 foot hospital-ward tents; 10,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; 10,000 bed sheets; 20 field ranges, No. 1; 10 field bake ovens; 50 water bags (for ice water); to be used at the encampment of the United Confederate Veterans to be held at Richmond, Va., in June, 1932;

H. R. 7233. An act to enable the people of the Philippine Islands to adopt a constitution and form a government for the Philippine Islands, to provide for the independence of the same, and for other purposes;

H. R. 8031. An act to provide for expenses of the Crow Indian tribal council and authorized delegates of the tribe;

H. R. 8603. An act to provide a preliminary examination of the Combahee, Big Salkehatchie, Coosawhatchie, Edisto, and South Edisto Rivers, S. C., with a view to the control of floods;

H. R. 8624. An act to authorize the loan of War Department equipment to the Knights of Pythias;

H. R. 9143. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Elbowoods, N. Dak.;

H. R. 9146. An act authorizing the transfer of certain lands near Vallejo, Calif., from the United States Housing Corporation to the Navy Department for naval purposes;

H. R. 9254. An act to authorize the exchange of a part of the Rapid City Indian School land for a part of the Pennington County poor farm, S. Dak.;

H. R. 9301. An act to extend the times for commencing and completing the construction of a bridge across the Black River at or near Pocahontas, Ark.;

H. R. 9451. An act to provide a preliminary examination of the Flint River, Ala. and Tenn., with a view to the control of its floods;

H. R. 9452. An act to provide a preliminary examination of Flint Creek and its branches in Morgan County, Ala., with a view to the control of its floods;

H. R. 9453. An act to provide a preliminary examination of Cataco Creek and its branches in Morgan County, Ala., with a view to the control of its floods;

H. R. 10088. An act to revive and reenact the act entitled "An act authorizing the South Carolina and the Georgia Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga." approved May 26, 1928;

H. R. 10159. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near O'Hern Street, South Omaha, Nebr.;

H. R. 10284. An act to authorize the acquisition of additional land in the city of Medford, Oreg., for use in connection with the administration of the Crater Lake National Park;

H. R. 10365. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.; and

H. R. 10775. An act to extend the times for commencing and completing the construction of a bridge across the Hudson River at or near Catskill, Greene County, N. Y.

"THE MONEY, FACTORIES OF AMERICANS," ARTICLE BY CLAUDE G. BOWERS

Mr. FLETCHER. Mr. President, I present and ask leave to have published in the RECORD an article from the Washington (D. C.) Times of the 4th instant, by Claude G. Bowers, entitled "The Money, Factories of Americans."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MONEY, FACTORIES OF AMERICANS

By Claude G. Bowers

When the historian of the future comes to write the bizarre story of the last 12 years in the United States under the domination of the "best minds," from the multiplicity of odorous scandals in the Harding régime to the Hoover panic, he will find much to interest him and his readers in the subserviency of the present régime to the big banking interests. It now seems possible that we shall not have to wait on the historian for the story of just what happened in the case of the Missouri Pacific loan and just why it happened.

The interference of the President in this instance, in something which is none of his business, is probably the most flagrant disregard of the law and the constitutional limitations of power in his record. Now that Senator COUZENS, who in financial matters is wise in his generation, has spoken out, it is imperative that there be a showdown and an investigation. Money—$2,000,000,000—belonging to the People's Treasury and extracted from the pockets of all the people has been set aside for loans and assistance to banks, railroads, etc.

In the case of the Missouri Pacific $5,850,000 is generously assigned the road that it may pay back a loan made by J. P. Morgan & Co. and Kuhn, Loeb & Co. This sort of thing was not intended by Congress when it generously assigned the two billions to help out big business—which has made such a sorry mess of things.

RECONSTRUCTION COMMISSION APPROVED THE LOAN

We return to this subject because it is such an enlightening indication of the trend of the administration which is shocked unbearably at the suggestion that a penny shall be used to feed the jobless who are hungry.

Under the law the loan could not have been made without the consent of the Interstate Commerce Commission. But it appears that the Reconstruction Corporation, headed by Mr. Dawes, approved this loan by resolution before the Interstate Commerce Commission had begun to study the application.

The Interstate Commerce Commission was unfavorably impressed with the proposed loan. Mr. Eastman, a member, is on record. He says:

"No good reason has been shown for approving a Government loan to enable the applicant to make a 50 per cent payment on the bank loan maturing April 1. I would have no difficulty in joining in such approval if there were any evidence that the loan were needed in the public interest. But no one has made or attempted to make such a showing. Morgan & Co., Kuhn, Loeb & Co., and the Guaranty Trust Co. would not, so long as the interest on the bank loan is paid, force a receivership by refusing an extension. * * * I realize that the majority (of the Interstate Commerce Commission) are no more persuaded than I am that there is any need for using Government funds to 'bail out' these banks."

"TOO MUCH IS ENOUGH"

And yet the commission, feeling this way, did agree against its judgment and its sense of propriety—under pressure. This pressure, we are told, came from the White House.

If that is true, it is a shocking thing.

All the more shocking, Senator COUZENS and others think, because of the moral obligations on the "money merchants" to grant an extension in appreciation of the fact that they have "profited largely" in handling the financing of the road in the past.

But the banks, groaning with hoarded money, want their money back.

Under normal conditions they would extend the loan.

But if they can get their money back now by dipping into the $2,000,000,000 of the people's money, appropriated from the people's Treasury, by having pressure brought upon the Interstate Commerce Commission and the Reconstruction Finance Corporation by the President, who has no right to bring any pressure, they want it.

And so they get it.

This incident imposes upon Congress the duty to scrutinize the use of this money of the people's, and the people have a right to know.

"Too much is enough."

USING OUR WEALTH TO DESTROY OUR TRADE

In an article by Theodore Knappen, in the Magazine of Wall Street, we learn more about the effect of the Chinese tariff wall we have erected at our ports. This wall not only keeps goods out, but prevents goods from going out. And this is not only wrecking the great Atlantic ship lines but the railroads of America, and as we have pointed out before, forcing American factories to build plants in other countries with American capital to employ foreign labor.

Mr. Knappen tells us that Henry Ford's plant in Cork, Ireland, shipped 2,000 Fordson tractors, valued at $1,167,713, to the United States duty free.

These tractors once were made in America by American workingmen.

These workingmen no longer have jobs because tractors are no longer made here.

And the 2,000 tractors sent to the American market were made by foreign workingmen, paid with American money, which they spent with foreign merchants.

This merely illustrates what is happening under the operations of the present prohibitive tariff. Ford is not alone. Now that England, following the rest of Europe in retaliation, has put up the bars against the products of American factories and fields, we are told that the result is to "send American branch factories to England in swarms."

And Mr. Knappen concludes that "we are using our wealth to destroy our foreign trade." For every branch factory that goes to Europe to get beyond our Chinese wall deprives American workingmen of jobs.

WHAT SPAIN IS DOING

Spain wants factories.

She wants them to furnish jobs for Spanish workingmen.

She wants these Spanish workingmen to get wages that will be spent with Spanish merchants.

And so she puts a prohibitive tariff on American motor cars.

She makes no secret of the purpose behind the act.

She thinks that American manufacturers will establish branch factories in Spain, so that American cars sold there will be made by Spanish and not by American workingmen.

The hysterical trend toward prohibitive tariffs followed immediately after the United States, responding to the lash of Joe Grundy, built its Chinese wall against trade. Now we have reached a point where nothing can be safely done for the restoration of international trade except through the negotiation of reciprocal agreements.

APPROPRIATIONS AND EXPENDITURES

Mr. McKELLAR. Mr. President, I wish to occupy very little of the time of the Senate this afternoon. On yesterday the President of the United States sent to the Congress a message, an excerpt from which I desire to read, as follows:

I have in various messages to the Congress over the past three years referred to the necessity of organized effort to effect far-reaching reduction of governmental expenditures.

To balance the Budget for the year beginning July 1 next the revenue bill passed by the House of Representatives on April 1 necessitates that there shall be a further reduction of expenditures for the next year of about $200,000,000 in addition to the reduction of $369,000,000 in expenditures already made in the Budget recommendations which I transmitted to the Congress on December 9.

It is essential in the interest of the taxpayer and the country that it should be done. It is my belief that still more drastic economy than this additional $200,000,000 can be accomplished.

Mr. President, I want to call to the attention of the President, or to the attention of those who advised him, as to a huge mistake in the figures presented by him in the foregoing excerpt, and to show what the actual figures are. I obtained my figures from the clerk of the Committee on Appropriations, and I know they are accurate. In tabular form the figures are, as follows:

Appropriations for fiscal year ending June 30, 1932	$5,178,524,967.95
Appropriations recommended by the President on Dec. 9, 1931, for fiscal year ending June 30, 1933:	
Budget estimates (including Postal Service)	4,601,479,101.00
First deficiency act, second session, Seventieth Congress	126,250,333.00
Public Resolution No. 3, Veterans' Administration, etc	203,925,000.00
United States employment service	120,000.00
Reconstruction Finance Corporation	500,000,000.00
Disarmament conference	300,000.00
Federal land banks (capital stock)	125,000,000.00
Total, 1933	5,557,074,434.00
Total, 1932	5,178,524,967.95
Excess of recommendations and appropriations for 1933 over appropriations for 1932	378,549,466.05

It thus appears, Mr. President, that last year the Congress appropriated $5,178,524,967.95, which was a total of about $28,000,000 less, as I recall, than the President had recommended. I hope Senators will keep in their minds the figure of the total of last year's appropriations—$5,178,524,967.95.

I will now state the appropriations the President has recommended up to date this year. The Budget estimates which the President recommended on December 9, 1931, amount to $4,601,479,101. Of course, that includes expenditures for the Postal Service, to which I shall refer hereafter.

In the first deficiency bill the President recommended and the Congress has appropriated $126,250,333.

In addition to that the President recommended and there has been provided by Public Resolution No. 3 appropriations to cover payments by the Veterans' Administration of $203,925,000.

Later on the President recommended for the administration of the United States Employment Service and the Congress appropriated $120,000.

Still later the President recommended and the Congress appropriated for the Reconstruction Finance Corporation $500,000,000.

Again the President recommended and the Congress has appropriated at this session for the Disarmament Conference $300,000.

Again the President recommended and the Congress has appropriated at this session for the Federal land bank capital stock subscription $125,000,000.

Or an enormous total, Mr. President, of $5,557,074,434.

So that from these figures it is seen with perfect ease, by simple subtraction, that this Congress has already appropriated, under the recommendation of the President, the sum of $955,595,333, and the President has also recommended for appropriation for the running expenses of the Government, $4,601,479,101 more, in all the gigantic sum of $5,557,074,434; and that amount, by the simple subtraction of last year's appropriation, shows that if the President's recommendations are carried out, there will be appropriated for this year, without taking into account any future appropriations that he may recommend or that we may make, $378,549,466.05 more than was appropriated last year.

Those are figures taken from the records; and yet the President says in his message that he has already secured a reduction of $369,000,000 over last year's figures! It is impossible for me to understand how those figures of the President can be sustained unless it may have happened that the various departments recommended to the President annual appropriations aggregating a certain figure, and the President cut down those estimates of departments $369,000,000. The so-called $369,000,000 reduction can not be accounted for in any other way. In such a case, of course, it is no reduction at all. It is simply a reduction under department estimates and means nothing whatever. I know the President is not undertaking to mislead anybody; but somebody has imposed upon the President in furnishing him these figures, in my judgment. It is the only way the figures can even be accounted for, and thus accounted for, they mean absolutely nothing.

Mr. KING. Mr. President, will the Senator yield?

Mr. McKELLAR. Just one moment, and then I will yield to my friend.

I desire to call the attention of the Senate to another matter.

On the next page of the President's message I find the following:

A clear indication that the limit of executive authority to bring about economies has about been reached is shown by the fact that the total expenditures estimated in the Budget of $4,112,000,000 (including Post Office deficit after deduction of receipts)—

And so forth.

Mr. President, what the Executive has done in this matter is this: Here is the Post Office Department, which is substantially left out of the Budget calculation, and with the exception of the deficit out of the appropriation calculation. The only part of the Post Office Department appropriation that the President refers to is the overdraft, the deficit; but evidently the income from the Post Office Department, being well over a half billion dollars, is not taken into consideration at all by the President. I want to say that all sums paid out by the Post Office Department are taken out by appropriations made by the Congress. We have to appropriate for that department just as we appropriate for every other department, and all the money that we appropriate for the Post Office Department should be considered in making up these estimates. In other words, the difference resulting

from leaving out the Post Office Department is the difference between $4,112,000,000 and $4,601,000,000.

If the President is going to leave out the income from the Post Office Department, why not leave out the income from the Panama Canal? Why not leave out the income from the Reclamation Service? Why not leave out the income from fines and forfeitures in the Department of Justice?

So I say the figures given by the President do not give the picture. The true picture is given in the figures taken from the statement of appropriations which I set out above.

I felt that in justice to the President, in justice to the Congress, and in justice to everybody, the facts ought to be shown as they are shown in this statement of actual appropriations made or recommended by the President.

I now yield to the Senator from Utah, if he desires to ask me a question.

Mr. KING. Mr. President, I only had in mind the suggestion made by the able Senator, and I wanted to elaborate it for just a moment; namely, when the Budget committee was in session during the summer, the President gave out a statement to the effect that in two of the departments he had effectuated economies and reduced appropriations $76,000,000. The fact was that the departments to which I refer asked for very large appropriations, very much larger than ever before, very much larger than Congress had ever appropriated, and the Budget reduced the demands which were made some forty, fifty, or sixty million dollars, and the President hailed that as a reduction of the expenses of the departments. There was nothing at all to it, and the same thing has characterized the statement to which the Senator has referred.

Mr. McKELLAR. I thank the Senator. A mere deduction from department estimates is not a reduction in government expenditures at all. The only kind of reduction that is real is a reduction of appropriations made this year under the appropriations made last year.

Mr. President, it is true that the President, in his message, recommends an additional cut of $200,000,000; but he does not point out how it is to be made; and inasmuch as he does not say a word about the Senate plan of a 10 per cent reduction under the House totals, it is fair to assume he is opposed to such reductions. Of course, if a commission were appointed, as he recommends, it could not help cut down appropriations for the year of 1933 beginning July 1, 1932. The appropriations would probably all be made before the commission could be organized. As a reduction plan for this year, a commission would make for great extravagance.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred or placed on the calendar as indicated below:

H. R. 300. An act to amend section 319 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

H. R. 7233. An act to enable the people of the Philippine Islands to adopt a constitution and form a government for the Philippine Islands, to provide for the independence of the same, and for other purposes; to the Committee on Territories and Insular Affairs.

H. R. 9146. An act authorizing the transfer of certain lands near Vallejo, Calif., from the United States Housing Corporation to the Navy Department for naval purposes; to the Committee on Public Buildings and Grounds.

H. R. 10284. An act to authorize the acquisition of additional land in the city of Medford, Oreg., for use in connection with the administration of the Crater Lake National Park; to the Committee on Public Lands and Surveys.

H. R. 5848. An act authorizing and directing the Secretary of War to lend to the entertainment committee of the United Confederate Veterans 250 pyramidal tents, complete; fifteen 16 by 80 by 40 foot assembly tents; thirty 11 by 50 by 15 foot hospital-ward tents; 10,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; 10,000 bed sheets; 20 field ranges, No. 1; 10 field bake ovens; 50 water bags (for ice water); to be used at the encampment of the United Confederate Veterans, to be held at Richmond, Va., in June, 1932; and

H. R. 8624. An act to authorize the loan of War Department equipment to the Knights of Pythias; to the Committee on Military Affairs.

H. R. 8031. An act to provide for expenses of the Crow Indian Tribal Council and authorized delegates of the tribe; and

H. R. 9254. An act to authorize the exchange of a part of the Rapid City Indian School land for a part of the Pennington County Poor Farm, South Dakota; to the Committee on Indian Affairs.

H. R. 8603. An act to provide a preliminary examination of the Combahee, Big Salkehatchie, Coosawhatchie, Edisto, and South Edisto Rivers, S. C., with a view to the control of floods;

H. R. 9143. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Elbowoods, N. Dak.;

H. R. 9301. An act to extend the times for commencing and completing the construction of a bridge across the Black River at or near Pocahontas, Ark.;

H. R. 10088. An act to revive and reenact the act entitled "An act authorizing the South Carolina and the Georgia Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.," approved May 26, 1928; and

H. R. 10159. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near O'Hern Street, South Omaha, Nebr.; to the Committee on Commerce.

H. R. 4724. An act to confer to certain persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine Insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' homes;

H. R. 9451. An act to provide a preliminary examination of the Flint River, Ala., and Tenn., with a view to the control of its floods;

H. R. 9452. An act to provide a preliminary examination of Flint Creek and its branches in Morgan County, Ala., with a view to the control of its floods;

H. R. 9453. An act to provide a preliminary examination of Cataco Creek and its branches in Morgan County, Ala., with a view to the control of its floods;

H. R. 10365. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.; and

H. R. 10775. An act to extend the times for commencing and completing the construction of a bridge across the Hudson River at or near Catskill, Greene County, N. Y.; to the calendar.

SHIPPING-BOARD LOANS—OCEAN MAIL CONTRACTS

Mr McKELLAR. I ask unanimous consent, out of order, to introduce two joint resolutions, and I ask unanimous consent also that they may be printed in the RECORD for the information of Senators.

The VICE PRESIDENT. Without objection, the resolutions will be received and printed in the RECORD.

The joint resolution (S. J. Res. 138) relative to interest rates on loans by the United States Shipping Board from the construction loan fund authorized by the merchant marine act of 1920 was read twice by its title, referred to the Committee on Post Offices and Post Roads, and ordered to be printed in the RECORD, as follows:

Whereas a construction loan fund of $250,000,000 is authorized by the merchant marine act, 1920, as amended by section 301 (d) of the merchant marine act, 1928, to be maintained by the United States Shipping Board (hereafter called the board), from which, in its discretion, the board may make loans in aid of the construction of new vessels, the interest on which when the vessel is operated in foreign trade (and all references in this resolution to interest are to periods in which the vessel is operated in foreign trade) to be determined as follows: (Sec. 301 (d), merchant marine act, 1928) "* * * the rate shall be the lowest

rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation bearing a date of issue subsequent to April 6, 1917 (except postal-savings bonds) and outstanding at the time the loan is made by the board, as certified by the Secretary of the Treasury to the board, upon its request "; and

Whereas at the time of the passage of the merchant marine act, 1928 (hereafter referred to as the 1928 act), the interest rate for such loans, prescribed by law, was 4¼ per cent per annum. By that act (sec. 301 (d)) a lower rate was authorized, but the text of the law and assurances to Congress during debate by the sponsors of the bill (S. 744, 70th Cong.) made it clear that it was the intent that the rate should not be lower than the lowest rate the United States paid on its bonded indebtedness of certain issues indicated; and it was specifically mentioned in debate that the rate would thus be about 3 to 3½ per cent per annum, and that no such loan in any event would be at a rate resulting in a loss to the United States; and

Whereas at recent hearings before the Senate Committee on Appropriations it has been shown, and it is admitted by the board, that the board, in violation of law and of the clear intent of Congress, with full power and discretion in the board to deny an application for a loan unless conforming with the clear intent of Congress as revealed not only in the text of the law but also as revealed in debates both in the House and the Senate, had there been ambiguity in the text of the law, made many loans much lower than 3 per cent and a number of them at rates as low as one-fourth to seven-eighths per cent; and

Whereas the board has attempted to justify the grant of such astounding rates on loans of millions of dollars, to run so long as 20 years, on the ground that on the dates such loans were made the Government had "obligations" outstanding on which the rate of yield was only one-fourth per cent, etc., ignoring entirely that such "obligations," if any, were temporary—to be redeemed in a very short time—yet fastening such transient rates on these ship loans for periods of 20 years, not explaining, however, why, if such transient "obligations" were to be the test, it did not make the loans without any interest whatever, as it is fundamental this Government does not pay any interest at all on its bills or "obligations" incident to its current transactions; and

Whereas the inexcusable interest rate applied by the board, viz, one-fourth per cent, three-eighths per cent, one-half per cent, seven-eighths per cent, and all other rates lower than 3½ per cent, are the more unjustified in the light of the fact that the board loaned so large a proportion as 75 per cent of the cost of constructing the vessels held as security, thus leaving as a margin only 25 per cent to offset shrinkage in market value, extending this 75 per cent in some cases even to the crockery, bed and table linen, flatware, glassware, and other hotel equipment of the vessel, notwithstanding the perishable nature of such materials, with the net result that the total loan is even more than 75 per cent of the cost of the vessel proper; and

Whereas the companies to which these loans have been made not only were given the abnormally low interest rates mentioned but have also been granted large subsidizing payments, ostensibly for the transportation of mail, but in fact as a vast system of ship subsidies, notwithstanding the text of Title IV of the merchant marine act, 1928, on which these ocean mail contracts purport to be based, contains nothing whatever justifying these subsidizing payments, payments which will greatly exceed in the aggregate $300,000,000, should these contracts remain in force for their full term. That Title IV of the 1928 act does not authorize a subsidy is revealed not only by the fact that it contains no language susceptible of that interpretation; on the contrary, its text is consistent only with authority for strictly business contacts to meet the requirements of the Post Office Department in the transportation of ocean mails, to be awarded on a normal competitive basis. The Postmaster General, however, has awarded most of these contracts to favored lines by special grace and selection, on specifications with which they, and only they, could possibly comply, with the result that in practically all cases only one bid was received—and that at the maximum rate named in the law. Nevertheless, the Postmaster General has considered such single bids, presented under these conditions, as competitive bidding and has awarded such contracts at the maximum rates, irrespective of the need of or the value of the services to the Post Office Department in the transportation of ocean mails. That Title IV of the 1928 act which authorizes proper ocean mail contracts can not be interpreted as a subsidy or subvention to the merchant marine is confirmed by the fact that section 24 of the merchant marine act, 1920, as in force when the 1928 act was passed, expressly provided that compensation under contracts authorized by that section should be not merely contracts for transportation of mails but also, "* * * in aid of the development of a merchant marine adequate to provide for the maintenance and expansion of the foreign or coastwise trade of the United States * * *," and yet the 1928 act, while it does not repeal section 24 of the 1920 act in its entirety, culls out and definitely repeals the provision thus quoted. And yet the Postmaster General, admitting that the contracts were not necessary from the point of view of mail transportation, has assumed to commit the United States to the payment of over $300,000,000 solely, as in his discretion he elects to do so, as subsidies to favored and specially selected lines; and

Whereas the board further seeks to justify its appreciation of such abnormally low interest rates as one-fourth of 1 per cent, three-eighths of 1 per cent, one-half of 1 per cent, seven-eighths of 1 per cent, and other rates less than 3½ per cent (which, if allowed to stand, will result in a loss exceeding $15,000,000 to the United States) because an informal legal opinion was obtained by it that the interest rate is temporary unfunded obligations of the United States should be included among the "obligations" constituting the test, but which did not go so far as to suggest that no interest should be charged, notwithstanding there were many "Government obligations" in its current transactions not bearing any interest; an opinion rendered without any judicial decision having been obtained in the premises and which did not purport to and could not bind the board nor impair its discretion in determining whether a loan should be made, and nevertheless made such loans at such rate, notwithstanding the chairman of the board has testified that the Secretary of the Treasury advised the board that obtaining such an opinion was unnecessary and that it should adhere to the 3 per cent rate: Now, therefore, be it

Resolved, etc., That the Congress of the United States, in the absence of a judicial decision requiring it, hereby disapproves and rejects the interpretation which has been applied by the United States Shipping Board to the provisions of section 301 (d) of the merchant marine act, 1928, with respect to the interest rate on loans from its construction loan fund when the vessel is operated in foreign trade.

SEC. 2. That any loan the board has made since May 22, 1928, the date of the enactment of the 1928 act, the interest rate on which, for periods when the vessel is operated in foreign trade, is less than the lowest rate of yield of any Government bond bearing a date of issue subsequent to April 6, 1917 (except postal-savings bonds), forming a part of the funded debt of the United States and outstanding at the time the loan was made shall be subject to interest in accord with this standard or test, and section 11 of the merchant marine act, 1920, as amended by section 301 (d) of the merchant marine act, 1928, shall not be interpreted to apply to temporary, though liquidated, obligations of the United States in determining the interest rate or loans from the construction loan fund of the board.

SEC. 3. The board is hereby authorized and directed to collect interest on any and all such loans accordingly, notwithstanding a lower rate may be named in the notes, agreements, or other documents. In cases where the permanent notes and preferred mortgages have been given, the board may require the execution of a supplemental agreement noting the correction of the interest rate; such agreement shall not affect the status of the preferred mortgage. In cases where an agreement for the loan has been made, but the permanent notes and mortgages have not been executed, such permanent notes and mortgages shall provide for interest in accord herewith, and no further advance shall be made under any such preliminary loan agreement unless and until the agreement shall have been amended in conformance herewith.

SEC. 4. If the promisors or other obligors under any such notes, bonds, or mortgages carrying such lesser rate of interest should decline to pay interest in accord herewith, the board shall regard interest payments as in default, notwithstanding the lesser rate may have been tendered, and shall proceed in accord with the provisions of the mortgage, in the event of default of payment of interest.

SEC. 5. The board is hereby prohibited from entering into any further agreements to make loans from the construction loan fund maintained by it under section 11 of the merchant marine act, 1920, as amended.

SEC. 6. Should the obligors under the notes or mortgage elect not to execute a supplemental agreement correcting the interest rate, as hereinbefore provided, nothing herein contained shall impair any right they or the owner of the vessel or other party interested may have by law, and jurisdiction is hereby conferred on the Court of Claims for that purpose, to bring suit, within 90 days from the passage of this resolution, in the Court of Claims, to have their rights and obligations in the premises judicially determined: *Provided, however*, That if the lesser interest rate named in such notes is not maintained by the court as binding on the United States, the board shall not waive the default in not having paid the full interest due, and payment of the entire debt, principal and interest, shall forthwith be enforced.

The joint resolution (S. J. Res. 139) repealing Title IV of the merchant marine act of 1928 and prohibiting the Postmaster General from entering into certain ocean mail contracts, and for other purposes, was read twice by its title, referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Whereas on May 22, 1928, the merchant marine act, 1928, was approved, Title IV of which provides (sec. 402) that the Postmaster General certify to the United States Shipping Board—

"What ocean mail routes in his opinion should be established and/or operated for the carrying of mails of the United States" to foreign ports, and the volume of mail and commerce then moving over such routes, and the estimated volume thereof during the next five years; and

Whereas section 403 of said act required the Shipping Board "to determine and certify the type, size, speed, and other characteristics of the vessels which should be employed on each such route, the frequency and regularity of their sailings, and all other facts which bear upon the capacity of the vessels to meet the requirements of the service stated by the Postmaster General"; and

Whereas the Postmaster General, by section 404 of the act, is authorized to enter into contracts with citizens of the United States, "whose bids are accepted for the carrying of the mails"; and

Whereas by section 405 of the act it is required that all such mail-carrying vessels shall be (1) American built or registered under the laws of the United States during the entire time of such employment; or (2) registered under the laws of the United States not later than February 1, 1928; or (3) actually ordered and under construction for the account of citizens of the United States, prior to February 1, 1928, and registered under the laws of the United States during the entire time of such employment; and

Whereas by subsection (C) of section 405 it is required that all licensed officers shall be American citizens, and one-half of all crews for the first four years shall be citizens of the United States, and thereafter two-thirds of the crews, including all employees; and

Whereas by section 406 of said act the greatest advertisement and publicity for bids are required, giving the widest notice to prospective bidders, and section 407 required the contracts "to be awarded to the lowest bidder"; and

Whereas under advertisement and instructions to bidders it is provided that "no proposal from parties not eligible under the law to become contractors for this service shall receive consideration"; and

Whereas it appears from a report of the Postmaster General, known as Senate Document No. 69, containing the advertisements, contracts, names of contractors, and other details concerning the letting of ocean mail contracts; and also it appearing from the testimony of the Postmaster General and other witnesses, recently given before the Appropriations Committee of the Senate, that said ocean mail contracts, some 44 in number, have been let without competitive bids, as provided for in Title IV of said act; that the advertisements for mail contracts were carefully worded so as to avoid competition in the letting of such contracts and in violation of law; that in most cases the contracts were let by the Postmaster General without regard to the needs of the Post Office Department for carrying mail, and were let for the most part because of an intention upon the part of the Post Office Department to grant a subsidy contrary to the provisions of law; that 44 contracts were let in all, 43 being let for a period of 10 years each, and 1 being let for a period of 5 years, all aggregating the payment by the United States of the enormous sum of more than $350,000,000, and causing an outlay annually averaged through the 10-year period of at least $35,000,000; that 2 mail contracts were let to the International Mercantile Marine, 1 to the Munson Line, and 3 to the United Fruit Co., notwithstanding the fact that those several lines were running directly or indirectly foreign-flag ships in competition with American-flag ships and contrary to the spirit, if not the letter, of the law; that one contract was let to an intercoastal steamship company, and it was arranged for that company, by including Balboa on the Canal Zone as a foreign port, a patent subterfuge, and in violation of the law; that said advertisements for bids were so arranged as to shut out competition rather than provide for competition as required by law. Usually this was done by specifying as the type, size, and kind of vessel to be employed in the service, a type, size, and kind identical with the fleet of the favored company, and making the time within which the service was to be commenced so short that other persons could not bid because there was not time sufficient to secure a fleet. Another illustration of this device is shown in the advertisement and contract of the United Fruit Co., where "refrigeration space" was called for in the advertisement, and the evidence disclosed that the United Fruit Co. was the only company on the seas having refrigerator space which could be furnished within the time limits fixed by the Postmaster General, and while it was further disclosed that it was totally unnecessary to have the mails on the seas put into refrigerators, and besides it being disclosed that on some of these routes there was transported not more than a "hat full" of mail anyway; that as another illustration of the method of awarding these so-called mail contracts, the Postmaster General established a route from New Orleans to Habana and other ports and a contract was let to the United Fruit Co. for carrying the mail at a yearly compensation that will average over $133,000 for a period of 10 years, and that 7,800 pounds of mail only was carried during a year, and afterwards the Postmaster General awarded a contract to the Seatrain Co. (Inc.), at the time a British-flag vessel, with which the Postmaster General was forbidden to negotiate, to help the United Fruit Co. carry this 7,800 pounds of mail during a whole year and required that the Seatrain Co. have a capacity of not less than 90 freight cars on each trip in order to help carry the 7,800 pounds of mail to be transported during the entire year and agreed to pay a price that may average over $200,000 to the said Seatrain Co. a year for 10 years for carrying its share of the said 7,800 pounds of mail in carload lots, and besides that Seatrain Co. was then operating under a foreign flag; and

Whereas it appears from said contracts and other evidence given in Senate Document No. 69 and from the evidence given before said Senate Appropriations Committee that the Post Office Department, in its administration of Title IV of the merchant marine act, 1928, has flagrantly disregarded and misinterpreted the provisions of said law, and has agreed to pay out the funds of the United States, and has paid the same out under said alleged contracts, in enormous sums, not only in a reckless manner but in violation of almost every provision of the law: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Title IV of the merchant marine act, 1928, be, and the same is hereby, in all things, repealed.

SEC. 2. It is the sense of the Congress that the said 44 contracts set out in Senate Document No. 69 were let, each and every one of them, in violation of Title IV of the merchant marine act, 1928, and such pretended contracts are absolutely void.

SEC. 3. That the Postmaster General be, and he is hereby, prohibited from negotiating and from attempting to enter into any further ocean mail contracts under Title IV of the merchant marine act, 1928.

SEC. 4. That the Postmaster General be, and he is hereby, prohibited from paying any further sum or sums as compensation on any one of said contracts.

SEC. 5. In order that said alleged ocean mail contractors may promptly have their day in court and that their rights, if any they have, may be preserved to them, jurisdiction is hereby conferred on the United States Court of Claims upon application of any of said contractors in the usual way to determine the validity of any and all of such contracts as other cases coming before said court with the right of both the Government and the contractors to appeal to higher courts as by law provided.

Mr. McKELLAR. Mr. President, in my judgment, these joint resolutions are quite important. I am not going to read all of them, but I am going to read an excerpt from one of them.

After setting forth in this mail resolution the law under which mail contracts have been awarded, or allegedly awarded, I desire to read the facts as they were developed at recent hearings before the Committee on Appropriations.

Whereas it appears from a report of the Postmaster General, known as Senate Document No. 69, containing the advertisements, contracts, names of contractors, and other details concerning the letting of ocean mail contracts; and, also, it appearing from the testimony of the Postmaster General and other witnesses recently given before the Appropriations Committee of the Senate, that said ocean mail contracts, some 44 in number, have been let without competitive bids, as provided for in Title IV of said act; that the advertisements for mail contracts were carefully worded so as to avoid competition in the letting of such contracts and in violation of law; that in most cases the contracts were let by the Postmaster General without regard to the needs of the Post Office Department for carrying mail, and were let for the most part because of an intention upon the part of the Post Office Department to grant a subsidy, contrary to the provisions of law; that 44 contracts were let in all, 43 being let for a period of 10 years each and 1 being let for a period of 5 years, all aggregating the payment by the United States of the enormous sum of more than $350,000,000 and causing an outlay annually averaged through the 10-year period of at least $35,000,000; that two mail contracts were let to the International Mercantile Marine, one to the Munson Line and three to the United Fruit Co., notwithstanding the fact that those several lines were running directly or indirectly foreign-flag ships in competition with American-flag ships, and contrary to the spirit, if not the letter, of the law; that one contract was let to an intercoastal steamship company and it was arranged for that company by including Balboa on the Canal Zone as a foreign port, a patent subterfuge, and in violation of the law; that said advertisements for bids were so arranged as to shut out competition rather than provide for competition as required by law. Usually this was done by specifying as the type, size, and kind of vessel to be employed in the service, a type, size, and kind identical with the fleet of the favored company, and making the time within which the service was to be commenced so short that other persons could not bid because there was not time sufficient to secure a fleet; another illustration of this device is shown in the advertisement and contract of the United Fruit Co. where "refrigeration space" was called for in the advertisement, and the evidence disclosed that the United Fruit Co. was the only company on the seas having refrigerator space which could be furnished within the time limits fixed by the Postmaster General, and while it was further disclosed that it was totally unnecessary to have the mails on the seas put into refrigerators, and besides it being disclosed that on some of these routes there was transported not more than a "hatful" of mail anyway; that as another illustration of the method of awarding these so-called mail contracts the Postmaster General established a route from New Orleans to Habana and other ports and a contract was let to the United Fruit Co. for carrying the mail at a yearly compensation that will average over $133,000 for a period of 10 years and that 7,800 pounds of mail only was carried during a year, and afterwards the Postmaster General awarded a contract to the Seatrain Co. (Inc.) at the time a British-flag vessel with which the Postmaster General was forbidden to negotiate, to help the United Fruit Co. carry this 7,800 pounds of mail during a whole year, and required that the Seatrain Co. have a capacity of not less than 90 freight cars on each trip in order to help carry the 7,800 pounds of mail to be transported during the entire year, and agreed to pay a price that may average over $200,000 to the said Seatrain Co. a year for 10 years for carrying its share of the said 7,800 pounds of mail in carload lots, and besides that Seatrain Co. was then operating under a foreign flag; and—

Mr. REED. Mr. President, if the Senator will yield, that contract requires the Seatrain Co. to construct ships in this country to carry the mail.

Mr. McKELLAR. Oh, yes; but I stop here long enough to say that there was but one ship in all the world that con-

formed to that advertisement, and that ship was then flying the British flag between New Orleans and Habana and owned by this Seatrain Co. (Inc.).

I continue reading:

Whereas it appears from said contracts and other evidence given in Senate Document No. 69 and from the evidence given before said Senate Appropriations Committee that the Post Office Department in its administration of Title IV of the merchant marine act, 1928, has flagrantly disregarded and misinterpreted the provisions of said law, and has agreed to pay out the funds of the United States, and has paid the same out under said alleged contracts in enormous sums, not only in a reckless manner but in violation of almost every provision of the law: Now, therefore, be it

Resolved, etc., That—

1. Title IV of the merchant marine act, 1928, be, and the same is hereby, in all things repealed.

2. It is the sense of the Congress that the said 44 contracts set out in Senate Document No. 69 were let each and every one of them in violation of Title IV of the merchant marine act, 1928, and such pretended contracts are absolutely void.

3. That the Postmaster General be, and he is hereby, prohibited from negotiating and from attempting to enter into and further ocean mail contracts under Title IV of the merchant marine act, 1928.

4. That the Postmaster General be, and is hereby, prohibited from paying any further sum or sums as compensation on any one of said contracts.

5. In order that said alleged ocean mail contractors may promptly have their day in court and that their rights, if any they have, may be preserved to them, jurisdiction is hereby conferred on the United States Court of Claims, upon application of any of said contractors in the usual way, to determine the validity of any and all of such contracts as other cases coming before said court, with the right of both the Government and the contractors to appeal to higher courts as by law provided.

Mr. President, I am not going to read the second joint resolution, but I am going to make a very brief statement as to what it contains.

Acting under the so-called Jones-White Act, the Shipping Board has loaned millions and scores of millions of the American people's money at rates of interest as follows: One contract at one-fourth of 1 per cent, another contract at three-eighths of 1 per cent, another contract at three-fourths of 1 per cent, another contract at 1 per cent, and one contract, I believe, at seven-eighths of 1 per cent, and so on. How did they arrive at that rate of interest? It is asserted in the testimony that they arrived at that rate of interest in this way. When the first $125,000,000 was appropriated by Congress and turned over to the Shipping Board for the purpose of lending to the merchant marine for building new ships it was provided that all such loans should carry a rate of 4¼ per cent. Evidently, later on the companies complained of that rate and a bill was introduced to reduce the rate. At this point I want to quote very briefly from debates in the House and Senate showing what was intended by that bill. I read from the CONGRESSIONAL RECORD.

Mr. BRIGGS (vol. 69, p. 7837). You have in it [the bill] a doubling of the construction loan fund, which provides money at rates of interest at which the Government itself might borrow. It means no gift of the money. * * *

This bill provides that the money may be obtained where the ship goes into foreign trade at the current rate of interest or the lowest rate of interest at which the Government may borrow the money. It means no loss to the people, but it gives ship operators and builders a very low rate of interest.

In other words, it was argued that the Government had and could borrow money at from 3¼ per cent to 3½ per cent, and that the purpose of the act was to enable the Government to relend the money to the shipowners at the same rate at which it borrowed it. I quote again from the House proceedings:

Mr. MCDUFFIE (vol. 69, p. 7833). And you propose to have the American Government lend to the American shipbuilders or ship operators money at 3 per cent?

Mr. BRIGGS. At the current rate the United States may borrow it, probably 3 per cent, so the Government does not stand to lose anything on the transaction.

Mr. DAVIS (vol. 69, p. 7851). * * * All the Government is asked to do is to lend 75 per cent of the value of the construction, at the rate at which the Government itself could borrow the money. * * *

Mr. FREE (vol. 69, p. 8669). It provides for loans by the Government in an amount equal to three-fourths the value of the ship for a period of 20 years, at a rate of interest at which the Government itself can borrow the money.

When that bill came over to the Senate, on May 15, 1928, the junior Senator from Wisconsin [Mr. BLAINE], as appears in volume 69, page 8720, commented as follows:

Mr. BLAINE (vol. 69, p. 8720). Am I correct in the understanding that vessels engaged in foreign trade may obtain loans at a rate of interest as low as 2½ per cent?

Mr. JONES. No; I do not understand it is that low. I understand that the lowest rate is about 3¼ per cent.

Under that remarkable provision, it was provided by the Jones-White Act that the rate of interest should be the rate on the obligation of the Government bearing the lowest rate of interest, meaning, of course, the bonded obligations of the Government, and that the amount should be certified by the Secretary of the Treasury within one-eighth of 1 per cent. It was idle to suppose the Government would borrow money on 90-day paper at one-fourth of 1 per cent and lend it to a shipping company for 20 years at a like rate. The only rate considered was the rate the Government paid on its bonds.

What was the result? When the Shipping Board loaned this money they asked the Secretary of the Treasury for a certificate of the lowest rate at which the Government could borrow money, and Secretary Mellon certified, so the proof shows, that he had borrowed some money on a short-time obligation at one-fourth of 1 per cent, and they fixed the rate at which that shipbuilder could borrow at one-fourth of 1 per cent. That is the excuse they give for it. It was never intended that any such rate should be given, as shown by the debates in both Houses of Congress, and my judgment is that the companies which borrowed at any such remarkable rates owe to the Government the difference between this absurdly low and unthinkable rate and the rate of 3¼ to 3½ as really was fixed by the law. The situation has certainly been made happy for the shipping companies. First, they, or many of them, bought ships from the Government for a song. Then they got postal contracts worth the ransom of several kings; and then they borrowed money at a half to three-quarters of 1 per cent. Some subsidies!

Mr. NORRIS. Mr. President, does the Senator mean to say that the Government of the United States loaned an amount to shipbuilders amounting to 75 per cent of the cost of a ship at a rate of interest less than 1 per cent per annum?

Mr. McKELLAR. I mean to say precisely that very thing. Is that specific?

Mr. NORRIS. That is specific; that is just what I wanted.

Mr. McKELLAR. I mean that very precise, absolute, identical, undeniable thing.

Mr. NORRIS. How much did they lend at that rate?

Mr. McKELLAR. To one concern, I think, the Dollar Line, or perhaps the Brigeman Line, both of which needed help so much at that time, five and a half million.

Mr. NORRIS. At less than 1 per cent?

Mr. McKELLAR. I think it was one-fourth of 1 per cent; it might have been a half. There were several such contracts.

Mr. NORRIS. For what time?

Mr. McKELLAR. They loaned part of it for 20 years, to be paid back on the installment plan.

Mr. NORRIS. They are enjoying that rate now?

Mr. McKELLAR. They are enjoying that rate now.

Mr. REED. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REED. Is it not a fact that that was held to be required by the act of Congress which we passed?

Mr. McKELLAR. It was first held by the Shipping Board, and the contracts were let, and later on the Shipping Board itself took a different position about it and charged 3 per cent. I think it is fair to the Shipping Board to make that statement.

Mr. REED. Is it not fair to the Treasury to admit that the Treasury did its best to exact a higher rate?

Mr. McKELLAR. I do not know what it did, outside of what it certified to in at least four instances, involving millions of dollars, indeed, involving scores of millions of dollars, as I remember. What the Treasury did was to certify

this absurdly small rate. I think the Government stands to lose on these contracts something like the enormous sum of $15,000,000 in the way of difference in interest.

Mr. REED. If the Senator will yield——

Mr. McKELLAR. I yield.

Mr. REED. Is it not true that both the Treasury and the Shipping Board resisted that construction to the utmost——

Mr. McKELLAR. No, indeed; if either one of them had resisted it, it would not have been done, because there was no obligation upon the part of the Shipping Board to lend the money, there was no obligation upon the part of the Treasury to certify to a rate of a fourth of a per cent, the rate on an obligation under which the Secretary had borrowed money to tide him over perhaps for a few weeks. In my opinion, the Secretary of the Treasury violated the law in certifying to this low rate, and the Shipping Board violated the law in contracting for this low rate.

Mr. REED. If the Senator will let me finish the sentence——

Mr. McKELLAR. Yes.

Mr. REED. As I understand the facts, and I think I do, both the Treasury and the Shipping Board held that it was so preposterous that they refused to believe that Congress meant that, and it was only when the Attorney General said that there was no other construction to be put on our words that that perfectly outrageous result was arrived at. I join with the Senator from Nebraska and the Senator from Tennessee in saying that the result is an outrage; but it is our fault, not the Shipping Board's.

Mr. McKELLAR. I thank the Senator, but I do not think it is our fault at all, and I want to tell him why.

This certificate was received from the Secretary of the Treasury, and the money loaned, a contract formally made, entered into, agreed to, and the Shipping Board has been receiving that low amount of interest since those contracts were made.

I am glad to see the junior Senator from Michigan [Mr. VANDENBERG] on the floor. The testimony in the hearing showed that when a bill to correct some other feature of the merchant marine act came to the Senate from the House, the Senator from Michigan found out about this ridiculous interest rate before his committee and prepared an amendment. I do not remember whether it was an amendment to a bill that had been introduced in the House, or the Senator's own bill, but it was one or the other. Anyway he offered an amendment to correct the matter. He introduced that amendment here on the floor, and afterwards it was passed. But after the Senator from Michigan had learned of it, the board itself changed its action and made other contracts at a rate of interest of 3 per cent.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. VANDENBERG. The Senator's recollection is approximately correct. The so-called Free bill came over from the House dealing with another phase of the control of the merchant marine.

Mr. McKELLAR. Yes.

Mr. VANDENBERG. In the course of my inquiry into the situation I discovered the perfectly outrageous situation to which the Senator adverts. I brought it to the attention of the Shipping Board, and immediately the Shipping Board and the Treasury joined in recommending the change. May I say to the Senator that the amazing thing to me was that it remained for a casual inquiry from the outside to develop the facts, and that the facts were not apparently within the continuous purview of the Shipping Board at all? They suddenly acquired a great enthusiasm for the reform, as soon as the situation actually was disclosed as being indefensible. Thereupon Congress passed the proposal which I submitted, which makes it impossible for any such outrage to be perpetrated again.

Mr. McKELLAR. That is entirely true. The Senator from Michigan has stated the facts, and as a matter of fact, while his measure was pending, the Shipping Board, for some reason, I do not know why, having entered into these contracts for a quarter of a per cent interest, and three-eighths of a per cent interest, and a half of a per cent interest, and three-fourths of a per cent interest, and 1 per cent interest, and 1½ per cent interest in other cases, not having a uniform rate, they themselves, while the Vandenberg measure was pending to change it, changed the rate to 3 per cent, and entered into two contracts fixing that as the rate.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. NORRIS. That interests me. They did that without any change of the law?

Mr. McKELLAR. Without any change in the law.

Mr. NORRIS. Prior to that time they made these loans at the low rate, as I understand the Senator, on the theory that the law was compulsory?

Mr. McKELLAR. Yes; so they said. But it was not in any way compulsory. They were not required by the act to lend any company any money.

Mr. NORRIS. Has the Senator a copy of the law?

Mr. McKELLAR. Yes.

Mr. NORRIS. Did the law compel the Shipping Board to make those loans?

Mr. McKELLAR. No; it did not. I will read the Senator the exact provision. It is the most remarkable kind of a provision for the collection of interest, I will say to the Senator. I read it just as it was put in the Jones-White Act, a provision which the Senator from Washington [Mr. JONES] thought would bring the Government from 3¼ to 3½ per cent interest, and I know Senator JONES thought that, because he does not say anything about this or any other matter unless he believes it. I quote from the act.

Section 306 (d) of the act of 1928:

The rate—

Meaning the rate of interest—

shall be the lowest rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation bearing a date of issue subsequent to April 6, 1917 (except postal-savings bonds), and outstanding at the time the loan is made by the board, as certified by the Secretary of the Treasury to the board upon its request.

Mr. NORRIS. That does not quite answer my question. That refers to the rate of interest; but the question I want to get information on is, Did the law itself require the board to make the loan?

Mr. McKELLAR. Oh, no; it had perfect freedom of action.

Mr. NORRIS. That is the law I am inquiring into. If the law was not compulsory, they were not required to make the loans.

Mr. McKELLAR. Not at all. My judgment is that the rates were made not only contrary to the law but in violation of the law.

I want to say to those Senators who are listening to me that there is an investigation of these contracts now before the Committee on Post Offices and Post Roads, and we will proceed farther in the matter. I thought it was right and proper, inasmuch as all this evidence came out before the Committee on Appropriations, to bring it in this way at this time to the attention of the Senate.

I ask that the two joint resolutions be referred to the Committee on Post Offices and Post Roads for their consideration.

Mr. MOSES. Mr. President, before that order is made, may I say to the Senator from Tennessee that in my opinion they should go to the Committee on Commerce, which handled the original legislation.

Mr. McKELLAR. I do not think so, because, as a matter of fact, they relate to postal contracts. They both affect the postal system. They are let in furtherance of the same plan; in other words, the owners of ships received gratuities in the way of these loans and then in addition subsidies from the Postmaster General. I think the same committee ought to look after both of them. The investigation is now before the Committee on Post Offices and Post Roads, and the Senator

from New Hampshire is a member of the subcommittee that is going to examine into the matter. It seems to me both joint resolutions should go to that committee, and I hope he will withdraw his objection.

Mr. MOSES. In addition to that, I was a member of the subcommittee on appropriations which heard the testimony, and I shall probably have to hear it again before the Subcommittee on Post Offices and Post Roads. If it goes then to the Committee on Commerce, of which I am likewise a member, I suppose I shall have to hear it another time, knowing the persistence of the Senator from Tennessee.

Mr. McKELLAR. No; it is not owing to my persistence. It is owing to the facts which have been developed by and concerning the Post Office Department and the Shipping Board.

Mr. MOSES. In the course of a long series of hearings on this question, for the first time the Senator from Tennessee makes the direct charge that the notes were made illegally. As a matter of fact, regardless of what opinion I may have as to the wisdom of the matter, there is not a scintilla of evidence before the committee, of which I happen to be a member, to prove that the loans were not made strictly in accordance with the law. It has been brought out by interrogations of the Senator from Pennsylvania [Mr. REED] that they were all made upon an opinion rendered by the Attorney General.

Mr. McKELLAR. Not by a formal opinion of the Attorney General. I do not know how that opinion came to be rendered. The opinion never should have been rendered; but there is an opinion of the Attorney General which I think is as erroneous as any opinion could possibly be, and I believe the courts will so hold. There is some doubt as to how this remarkable opinion got into the record.

Mr. MOSES. That is beside the mark.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. Certainly.

Mr. NORRIS. I want to draw the distinction, if there is such a distinction, between an opinion that permits this to be done and a statute that requires it to be done. I think I make myself clear.

Mr. McKELLAR. That is perfectly clear. The statute does not require any loan to be made.

Mr. NORRIS. If the Attorney General was called upon to render an opinion, it is no answer to me that his opinion said they could do it. What I want to know is, Was he called upon to render an opinion and did he say they had to do it? If we are going to blame it on the law, then it must have been compulsory for this kind of contract to be made.

Mr. McKELLAR. He said it might be done, but did not say it should be done. Of course, the board could have refused any loan.

Mr. NORRIS. It is still left to the board as to whether they should make that kind of contract.

Mr. McKELLAR. As a matter of fact, the whole act shows it was absolutely in the discretion of the board whether they should make any loan to any particular company. I do not have to emphasize that. Any lawyer knows that the power would rest there with the board. We could not say—I mean Congress could not say that every shipping company in the United States was entitled to a loan, whether the board wanted to make it or not. There are three ships owned by companies having foreign vessels which are receiving loans in violation of law.

Mr. NORRIS. I got the impression from the interrogation of the Senator from Pennsylvania that the board was compelled to make the contract and that the Attorney General said so.

Mr. McKELLAR. Oh, no; it was not mandatory at all, and that opinion does not so hold.

Mr. MOSES. There is some mystery, according to the testimony, as to the exact manner in which the opinion came from the Department of Justice to the Shipping Board.

Mr. McKELLAR. Yes; there is quite a lot of mystery.

Mr. MOSES. That is to say, whether one member of the subcommittee of the board upon his own authority asked for the opinion, or whether the subcommittee itself asked for it, or whether it was ratified by some further action of the whole board; but the fact is that that opinion was rendered in connection with a contract which had already been made and where complaint was made by the company about the rate of interest which was being charged. That contract had been made. Of course, it is true that the Shipping Board did not have to make a loan in the strict construction of the language, but we have enacted a statute which was designed for upbuilding the American merchant marine.

If the Shipping Board had refused to make loans under the terms of that statute and in accordance with the restrictions laid down by the Treasury Department, fortified by an opinion from the Attorney General, what would have been the result? There would have been a vast outcry all over the country that, having determined to build up a merchant marine, a mere ministerial agency or establishment was interfering with that beneficent program.

The reason why I suggested that the joint resolution should be referred to the Committee on Commerce is that the original legislation, the Jones-White Act, came from the Committee on Commerce. In my opinion that is where the whole subject should be studied. I think, and I so expressed myself in the committee room, that the testimony which we took during nearly three weeks in the Subcommittee on Appropriations while it was there, it is true, because of a rider put upon the appropriation bill in the House of Representatives, and therefore we could consider it was a subject matter with which the Committee on Appropriations ought not to deal, but which should be dealt with by the Committee on Commerce.

Another reason why I think the joint resolution should go to the Committee on Commerce rather than to the Committee on Post Offices and Post Roads is that we already have the whole subject before the Committee on Post Offices and Post Roads in the form of another resolution, and the Committee on Post Offices and Post Roads is not competent to deal with the question of the upbuilding of a merchant marine.

There are always two factors concerned in the contracts to which the Senator from Tennessee has referred; that is to say, a postal subvention—I use the term "subvention" because that seems to be a favorite word with some persons who are squeamish about the word "subsidy," though I do not shrink from its use. There is a postal subvention, on the one hand, handled by the construction lines, and on the other hand handled by the Shipping Board. The two subjects are handled separately, with some intermingling by reason of some interdepartmental committees which work with reference to the subject. But the whole general subject arose in the Committee on Commerce, and the legislation under which complaint now comes came from that committee.

I feel that we can not resist the request of the Senator from Tennessee to refer the joint resolutions to the Committee on Post Offices and Post Roads, because I hold to the theory that while the Presiding Officer may override the Senator in his request, yet, generally speaking, a Senator is entitled to have his legislation referred to the committee where he would rather have it considered. But under the general view of the whole situation, and in view of the fact that the Senator from Tennessee already has the subject matter before a subcommittee of the Committee on Post Offices and Post Roads under his earlier resolution, I ask him to permit the joint resolutions to go to the Committee on Commerce, where the whole subject matter properly belongs.

Mr. McKELLAR. In reply to the able Senator from New Hampshire I just want to say that there is a subcommittee on Post Offices and Post Roads acting under a resolution of the Senate which is considering both of these activities—the air mail contracts and the sea mail contracts. That

matter is before the Committee on Post Offices and Post Roads now, referred to that committee without objection, and they are examining it. There is no use dividing the activities. I ask unanimous consent—and I will move if necessary—that the joint resolutions be referred to the Committee on Post Offices and Post Roads.

Mr. MOSES. I do not insist that the Senator shall so move. I admit the Senator has a perfect right, under courtesy of the Senate, to have his resolutions go to the Committee on Post Offices and Post Roads. I do not think they should go there, however.

Mr. McKELLAR. I ask that the joint resolutions be referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Without objection, that order will be made.

Mr. McKELLAR. I ask permission that an editorial entitled "Economy Versus Subsidy" be inserted in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

ECONOMY VERSUS SUBSIDY

The worried gentlemen in Congress responsible for the economy end of the Budget-balancing problem have received at least one valuable suggestion from President Hoover. He proposes a reorganization of the Government's merchant-marine activities.

The most cursory study should disclose that even more economy than the President had in mind is not only possible but sensible.

Transfer of present Shipping Board activities to the Department of Commerce, with creation of a new body to regulate water-commerce rates, would save little or nothing in administrative expense, but alteration of the mail subsidy and construction-loan subsidy policies of the Government would accomplish a saving running into millions of dollars.

The Government has set aside $142,994,082 for loans for merchant-marine construction in the past few years, and in addition has given the borrowers mail subsidies amounting to more than $28,000,000 a year.

This policy has nothing to do with efficient transportation of the mails. Foreign shipping lines in many cases could perform that service satisfactorily for a fraction of the sums now being given American steamship lines.

And when the merchant marine and the tariff policies of our Government are considered in relation to each other the effect is comic. We are pouring millions of dollars into the coffers of steamship owners to encourage the foreign trade which we shut out with our high tariff wall.

A 50 per cent reduction in ocean mail subsidies would save $14,000,000 in the coming fiscal year. It would prevent expenditure of as much more from the construction-loan fund.

It would, perhaps, cause some steamship companies distress, but it might cause them to discover, at last, that their road to prosperity lies through a lower tariff wall, not through the taxpayer's pocketbook.

The issue is: Federal subsidy versus Federal economy.

Mr. COPELAND. Mr. President, I wish merely to ask a question which I desired to ask before final action was taken on the resolutions of the Senator from Tennessee. What was it that was referred and acted upon in this matter?

Mr. McKELLAR. Just a moment ago?

Mr. COPELAND. Yes.

Mr. McKELLAR. The joint resolutions were referred to the Committee on Post Offices and Post Roads.

Mr. COPELAND. What joint resolutions?

Mr. McKELLAR. Two joint resolutions which I introduced. I suppose the Senator from New York was not here. It would take me a long time to explain them again. They will both be in the RECORD in the morning, and I hope the Senator will read them.

Mr. COPELAND. Did one of them relate to the air mail contracts?

Mr. McKELLAR. One related to the air mail contracts and one to the remarkable rates of interest, ranging from one-eighth of 1 per cent to 1½ per cent.

Mr. COPELAND. Were they referred to the Committee on Post Offices and Post Roads for definite action, or to be considered by them?

Mr. McKELLAR. For investigation and such action as they may take. For what purpose are resolutions referred to committees if not for that purpose?

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nebraska?

Mr. COPELAND. Certainly.

Mr. NORRIS. I think the Senator has an erroneous idea as to just what was done. The joint resolutions were not passed by the Senate. They were referred to the committee for consideration. It will be the duty of the committee to give them such consideration as they think they deserve and then report back to the Senate whether, in their opinion, they should be passed by the Senate.

Mr. COPELAND. I am entirely satisfied——

Mr. MOSES. As a matter of fact, they are joint resolutions.

Mr. COPELAND. I am entirely satisfied with that explanation which I was trying to get.

Mr. COPELAND subsequently said: Mr. President, I desire to give notice of my intention to move a reconsideration of the action of the Senate just taken referring to the Post Offices and Post Roads Committee the two joint resolutions providing for investigations.

The VICE PRESIDENT. That motion will be entered.

RELIEF OF STORM-STRICKEN AREAS IN THE SOUTH

Mr. BANKHEAD. From the Committee on Agriculture and Forestry I ask unanimous consent out of order to report favorably without amendment Senate Joint Resolution No. 131, and I submit a report (No. 508) thereon.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

Mr. BLACK. Mr. President, before the joint resolution goes to the calendar, I desire to say that it has reference to relief for the storm-stricken areas of several of the Southeastern States. It was read in the Senate before it went to the Committee on Agriculture and Forestry. It has gone to the committee, and it comes back with a unanimous report of that committee.

I desire further to state to the Senate that unless this relief shall be granted in a very brief time it will be entirely too late for it to be advantageous to the people who have suffered from this storm. It is my desire to ask that the joint resolution be immediately considered by the Senate. I do not believe there will be any objection to it. It is exactly in line with other legislation which has been passed, except it is not so liberal as some legislation of this character has been. I believe I could explain it sufficiently in two or three minutes so that there would be no objection to it, and I desire to ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Let the joint resolution be reported by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (S. J. Res. 131) to provide assistance in the rehabilitation of certain storm-stricken areas in the United States and in relieving unemployment in such areas.

Mr. McNARY. Mr. President, the joint resolution presents a very important matter; it has not been considered by the Members of the Senate, and I shall object to its consideration at this time.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

Mr. BLACK. Mr. President, I desire to state that immediately upon the convening of the Senate to-morrow I shall ask for the consideration of the measure. I shall do that for the reason that thousands of men and women have had their homes destroyed. That is not only the case in one State, but it is true in a number of States. It is wholly impossible for the States affected to give the people the relief which they need. I appreciate the attitude of the chairman of the Committee on Agriculture and Forestry [Mr. McNARY]; and knowing his usual liberality with reference to measures in which the people are interested, I am not making this statement as any criticism of him, either express or implied, but simply to call the attention of Senators to the fact that conditions are such that if relief is to be granted it is needed at once.

I further desire again to give notice that I shall attempt to-morrow to bring this joint resolution up for the consideration of the Senate.

INTERNATIONAL CONFERENCE ON SILVER

Mr. KING. Mr. President, I introduce a joint resolution which I ask may be read and lie upon the table. To-morrow I may offer some remarks upon it.

The VICE PRESIDENT. Is there objection to the reading of the joint resolution at this time? The Chair hears none, and the Secretary will read, as requested.

The joint resolution (S. J. Res. 137) authorizing the calling of an international conference to consider and devise plans to increase the use of silver, and providing for expenses of American participation therein, was read the first time by its title and the second time at length, as follows:

Whereas for centuries the production of silver and gold has been at a ratio substantially uniform, and that at such ratio were used interchangeably and discharged all the functions of money, including the payment of debts, public and private, and constituted the base upon which rested currencies and credits; and

Whereas it has been universally recognized that economic and industrial conditions are influenced, if not determined, by the number of units of value available for monetary purposes; and

Whereas the Constitution of the United States recognizes gold and silver as primary money, and Congress by law provided for the free coinage of both gold and silver, with silver constituting the unit of value, at a ratio fixed by law, which was substantially the natural and universally recognized ratio, and thereby adopted a policy of bimetallism which prevailed in all civilized countries; and

Whereas certain selfish interests conspired to destroy this sound and approved bimetallic system, notwithstanding the irrefragable proof that disastrous economic, industrial, and political consequences would follow, and were so successful in their efforts that the mints of most nations were closed to the free coinage of silver, thus forcing gold monometallism and an unsound and unwise monetary system upon most nations; and

Whereas the United States, yielding to this unsound and harmful policy, demonetized silver in 1873; and

Whereas governments and peoples everywhere are burdened with debt, and the limited amount of basic or primary money in the world creates fears and distrust of existing financial policies and the ability of nations and individuals to discharge their indebtedness, thus delaying industrial and economic recovery; and

Whereas there is an increasing demand for the rehabilitation of silver and for an adequate metallic base consisting of silver and gold in order that the credit structure of the world may be strengthened and commodity prices and property values stabilized and restored to a proper level; and

Whereas by the act of November 1, 1893, it was declared to be the policy of the United States to continue the use of both gold and silver as standard money and to coin both metals into money of equal exchangeable value, and that the efforts of the Government should be steadily directed to the establishment of a safe system of bimetallism; and

Whereas by the act of March 3, 1897, the President of the United States was authorized to appoint commissioners to represent the United States in any international monetary conference called by the United States or by any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio with free coinage at such ratio, and for the purpose of such conference the sum of $100,000, or so much as is necessary, was appropriated; and

Whereas by the act of March 14, 1900, the policy of accomplishing international bimetallism was again recognized; and

Whereas leading economists, financial writers, industrialists, and men of large business interests, as well as many persons throughout the world, are urging an international conference for the consideration of the silver question and the adoption of a plan for the rehabilitation of silver: Therefore be it

Resolved, etc., That the President of the United States is authorized, and is hereby requested, to call a conference for the purpose of considering and devising plans to increase the use of silver for monetary and other purposes, including the restoration of silver to its proper monetary status as a part of the primary and basic money of the world, and he is authorized to appoint five or more commissioners to represent the United States at such conference. For compensation of the representatives of the United States, and for all reasonable expenses connected with said conference, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, appropriated for such purposes by the act of March 3, 1897 (29 Stat. 624), is hereby reappropriated and continued available for such purposes.

The VICE PRESIDENT. The joint resolution will be printed and lie on the table.

RECESS

Mr. McNARY. Mr. President——

Mr. HARRISON. Does the Senator from Oregon desire to move a recess at this time?

Mr. McNARY. That is my purpose.

Mr. HARRISON. As the Senator is going to move a recess, I should like to get recognition so that I may have the floor to-morrow morning.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. McNARY. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. Does the Senator from Mississippi yield for that purpose?

Mr. HARRISON. I yield.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, April 6, 1932, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 5 (legislative day of April 4), 1932

PROMOTIONS IN THE NAVY

To be lieutenant commander

Charles H. Ramsdell.
Robert P. McConnell.

To be lieutenant

Frank Monroe, jr.
Joseph B. Renn.
Alvin D. Chandler.
Julian J. Levasseur.
Joyce A. Ralph.
Homer Ambrose.
James C. Guillot.
Carson R. Miller.
William M. Hobby, jr.
Guy M. Neely.
Horace C. Robison.
John B. Moss.
Thomas H. Hederman.
Valentine L. Pottle.

To be lieutenant (junior grade)

Richard E. Hawes.

To be medical director

Arthur W. Dunbar.

To be assistant dental surgeon

William D. Bryan.

MARINE CORPS

Irving E. Odgers to be captain.
Earle S. Davis to be first lieutenant.
Ernest R. West to be second lieutenant.
Clinton A. Phillips to be chief pay clerk.

POSTMASTERS

INDIANA

Walter C. Belton, Acton.
Earle O. Gilbert, Brooklyn.
Hovey Thornburg, Farmland.
Henry J. Schroeder, Freelandville.
David E. Demott, Greenwood.
Warren B. Johnson, Owensville.
Delbert E. Cantrall, Red Key.
Fred W. Baker, Ridgeville.
John N. Hunter, South Bend.

KENTUCKY

Bryant H. Givens, Caneyville.
Hugh M. Chatfield, Catlettsburg.
Nannie J. Wathen, Irvington.
Carley O. Wilmoth, Paris.
Anna E. Fuqua, Rockvale.

LOUISIANA

Minnie M. Baldwin, Bernice.
David S. Leach, Florien.
George W. Taylor, Franklin.
Elson A. Delaune, Lockport.
Edward A. Drouin, Mansura.
Edwin J. LeBlanc, Melville.
Melvin P. Palmer, Morgan City.
Otto J. Gutting, Oil City.
Teakle W. Dardenne, Plaquemine.
James H. Gray, Pollock.
Avenant Manuel, Ville Platte.
Samuel A. Fairchild, Vinton.

MINNESOTA

Georgia C. Hompe, Deer Creek.
Theresa E. Thoreson, East Grand Forks.
Emanuel Nyman, Foley.
Roy Coleman, Lancaster.
Arnold E. Talle, McIntosh.
Milton P. Mann, Worthington.

NEW HAMPSHIRE

Leston F. Eldredge, Durham.
William T. Lance, Meredith.
Maurice R. Wright, North Hampton.

NORTH DAKOTA

Ethel M. Anderson, Bowman.
James H. McNicol, Grand Forks.
William Roche, Inkster.
Agnes L. Peterson, Washburn.

OKLAHOMA

Everette L. Richison, Bokoshe.
James P. Gaulding, Checotah.
Leslie S. Reed, Hobart.
Noah B. Hays, Keota.
Ruth J. McLane, Lookeba.
Ira Thatcher, Vian.
Bernice Pitman, Waukomis.
Frank C. McKinney, Yukon.

WISCONSIN

William A. Devine, Madison.
Peter F. Piasecki, Milwaukee.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 5, 1932

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most Gracious Father, we thank Thee for Thy redeeming love, unfailing care, and for Thy unerring guidance. As Thou art the sure foundation for a good, upright life, may we cling to Thee with unbroken trust. Bear company with us to-day and hear our urgent prayer for divine help in meeting the tasks which are before us. Sustain us with that peace that never flows in but always flows out. Stoop to our hearts with their tenderest longings, yearnings, and with their priceless treasures of human ties. If any of our homes are in the valley, lead them through it and bring them to the mount of strength and health. Beneath all the breathing, throbbing things of life, teach us how to love Thee with faithfulness, with cheerful sacrifice, and with steady devotion to serve the Republic. Amen.

The Journal of the proceedings of yesterday was read and approved.

PHILIPPINE INDEPENDENCE

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Philippine bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKINSON. Mr. Speaker, the bill for Philippine independence deserves favorable and prompt action. I once served on the Insular Affairs Committee, whose great chairman, William A. Jones, of Virginia, in the year 1916 pressed through Congress the Jones Act seeking to grant independence to the Filipino people. Nearly 16 years have passed since the enactment of this act.

More than 10 years have passed since President Wilson certified to Congress that the condition precedent for granting of independence had been fulfilled. The United States acquired control of the Philippine Islands and the Filipinos by purchase and by force of arms. At the end of the war between Spain and the United States the Spanish Government found itself indebted to the Government of Cuba in the sum of $20,000,000 and, without means to make payment, agreed with and transferred to the United States by quitclaim deed all of Spain's interest, rights, and possessions in the Philippines if the United States would assume and pay Cuba the said sum of $20,000,000, and the deal was made. Then the United States, that had helped to drive Spain from further control of said islands and people, took possession and warred with the Filipino people for control, and has since retained control, promising in 1916 independence by solemn act of Congress.

The World War came on, and independence, long delayed, is now ripe for action by the United States. Seven or eight thousand miles away in the Orient; shortest route, 7,164; longest, 8,340. A Malay people, kindly, thirsting for independence, loving liberty, as all peoples do, united in their voice for the right to govern themselves, grateful to the United States for its beneficent rule and helpfulness, they ask now for liberty, that human rights be placed above the dollar of mere business. Let the expense of control end. They feel and urge that the heartbeat of the nation for freedom and liberty be heard; and when this bill shall have been enacted into law, all nations will proclaim the justice of this act and pay tribute and say with one voice the United States of America has kept its promise to the Filipino people. Not only the liberty of these people but the plighted word and honor of the United States is involved. In my judgment, they will measure up to their full responsibility when they join in the concert of nations as a free and independent nation.

INSURING DEPOSITORS AGAINST LOSS OF INSOLVENT BANKS OF THE FEDERAL RESERVE SYSTEM

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech I delivered in the House of Representatives, January 15, 1927, on a bill introduced by me entitled "A bill for the purpose of insuring depositors against loss of insolvent banks of the Federal reserve system," and also an excerpt from another speech subsequently delivered by me on this subject, showing the gross and net earnings and expenses of the 12 Federal reserve banks and also of each Federal reserve bank from 1914 to 1930, inclusive.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech made in the House by myself:

Mr. Chairman and gentlemen of the committee, I want to discuss and explain the provisions of the bill which I introduced before the holidays, at this session of Congress, the object of which is to protect depositors against losses when member banks in the Federal reserve system fail or become insolvent.

This bill is now pending before the Committee on Banking and Currency, of which I am a member. I do not know whether I shall succeed in getting a hearing before the committee at this session or not, but, if not, I intend to do so at the next session.

Next in importance to the problem of farm relief and to the necessity for legislation to avoid a collapse of the agricultural classes of this country is the problem of bank failures and the necessity for appropriate legislation to protect depositors against loss.

There being so much misinformation and the want of information on the part of many intelligent business men and prominent editors in this country, and even among bankers and Members of Congress, in regard to the provisions of the bill I have introduced, the object of which is to insure depositors in member banks of the Federal reserve system against loss upon insolvency of banks, I have decided it will not be out of place to briefly explain the material provisions of this bill.

The bill is H. R. 14921, and entitled:

"A bill to amend section 7 of the Federal reserve act, as amended, for the purpose of insuring depositors in member banks

of the Federal reserve system against loss," a copy of which is carried in the RECORD of December 16, 1926.

A prominent official of one of the largest banks of Atlanta, one at Athens, and a high banking official of a great public institution of Georgia, and an outstanding Democratic Member of Congress have expressed opposition to this bill, basing their opposition upon the assumption that the bill makes the strong banks protect the weak banks. This is exactly what it does not do. It is a misconception of the provisions of the bill.

The ultimate end to be accomplished by this proposed legislation is to give complete protection to depositors in the member banks of the Federal reserve system by creating a fund which will be set aside as a guaranty to depositors that they will be fully protected against loss upon the failure of any bank in the Federal reserve system. If the confidence of the people in the banks of this country is to be maintained, it being at low ebb in many sections of the country at this time, some legislation must be enacted by Congress to guarantee that depositors will lose nothing when any of these banks become insolvent.

There is no provision in this bill which requires the strong banks to protect the weak or puts upon the strong banks any burden of this character. This is probably the only objection which has ever been urged against the Nebraska law, which was so lucidly explained several days ago by the gentleman from Nebraska [Mr. HOWARD]. Though there have been numerous failures of banks in the State of Nebraska during the last several years, by reason of this law no depositor has ever lost a dollar.

My bill gives protection against bank failures whether on account of stealing, embezzlement, mismanagement, or bad judgment on the part of officers and against any fraudulent and illegal conduct on the part of officers, employees, or directors of banks in the use and misuse of the money of the people.

There is one thing just as certain as death and taxes so far as bankers are concerned. They want protection, and they demand it when they hand out their money. I do not criticize them for this, but why not put the depositors in the same attitude and in the same zone of protection when the bankers take their money, especially as the deposits help build up the banks and keep them going and without the depositors getting any interest at that unless from savings banks.

For the purpose of establishing the depositors' guaranty fund provided for in the bill there is authorized to be appropriated out of the Treasury of the United States a sum not in excess of $50,000,000. Such sum, when appropriated, shall be advanced by the Secretary of the Treasury to the guaranty deposit fund.

The bill further provides that this fund shall be decreased from time to time by the franchise tax which, under the present law, the 12 Federal reserve banks are required to pay into the Treasury of the United States out of the net earnings of these banks.

This fund is not available for use at this time for the purpose of creating the depositors' guaranty fund, because, under the law establishing the Federal reserve act, it has been used for the purposes set forth in section 7 of this act.

The total amount of this franchise tax during the year 1926 is $818,150.51.

The scheme of this bill is, and provides as this franchise tax accumulates from year to year, that the amount of the yearly payments thereof is to take care of that much of the guaranty fund appropriated from the Treasury. For instance, if this bill had been enacted into law at the time of the payment to the Government of the $818,150.51 by the Federal reserve banks, this amount would have been placed to the credit of the $50,000,000, the depositors' guaranty fund, at which time and when this was done the Secretary of the Treasury would thereupon have taken out of the depositors' guaranty fund the amount of this payment and placed it back in the Treasury. When this franchise tax amounts to as much as $50,000,000 no part of the funds of the Treasury will be used any longer for the protection of the depositors, but this franchise tax fund will take its place and thereafter be treated as the depositors' guaranty fund. However, this fund can at no time exceed $75,000,000, and at no time be less than $25,000,000. Subsequent payments of the franchise tax in excess of $75,000,000 shall be thereafter paid into the Treasury of the United States. In short, this franchise tax in the end will become the depositors' guaranty fund, in which case this fund and this alone will be the protection and the guaranty against loss to depositors of insolvent banks.

In the scheme of protection and guaranty against loss provided for in this bill, when a bank becomes insolvent the depositors will be paid the full amount of their deposits without any cost to them and without any additional liability being put upon the stockholders. No national bank, no State bank member of the Federal reserve system, neither one of the 12 banks of the system, and no officer or stockholder of any of these banks would lose a dollar by this scheme of protection.

No part of the net earnings of the 12 Federal reserve banks, except the franchise tax, is taken in order to create this guaranty fund. So far as this act is concerned, excepting the franchise tax, the net earnings of the Federal reserve banks are left undisturbed.

Paragraph E, on page 3, provides whenever a member bank of the Federal reserve system is placed in the hands of a receiver or liquidating agent the Federal Reserve Board shall investigate and estimate as soon as practicable whether the assets of such bank, together with such amount as may be realized by enforcing the liabilities of the shareholders, officers, and directors thereof, will be sufficient to pay the depositors in full. Upon the basis of such estimate, the board shall make payment to such depositors from the guarantee fund of amounts, which, in the opinion of the board, will not be realized for the benefit of the depositors from such sources.

(f) If upon final settlement of the affairs of any such bank the assets, together with such amounts as may be realized by enforcing the liabilities of the shareholders, officers, and directors thereof and amounts paid from the depositors' guaranty fund under subdivision (e) are insufficient to discharge such bank's obligations to depositors, the Federal Reserve Board shall pay to such depositors from the depositors' guaranty fund such amounts as may be necessary to make up the deficiency.

If this bill becomes a law, hundreds and hundreds of State banks which are not now members of the Federal reserve system will immediately apply for membership. The bill will thus have a tendency to strengthen the system, which at present it stands in more or less need of. The system is languishing now because so many State banks are not members of it. Hundreds of banks in the United States are purposely keeping out of this system because they are not in sympathy with some of the requirements of the act creating the system, and yet under the protection given by the provisions of this bill no reasonable man can intelligently reach any other conclusion than that most of these nonmember State banks would become members of the Federal reserve system.

We must not be unmindful of the fact that Congress has no jurisdiction over State banks which are not members of the Federal reserve system, and therefore this class of banks would get no benefit from the protection afforded by my bill. The depositors of these nonmember banks would have to rely upon the general assemblies of the States where these nonmember banks are located to enact legislation for their protection.

Mr. O'CONNOR of Louisiana. During the course of the gentleman's remarks he made a statement which, to my mind, is very important to the laymen that have not got the knowledge that lawyers have concerning the power of Congress. On the theory that banking is of an interstate character—of course, a great many banks doing an interstate business are not members of the Federal reserve system. Has not the Congress the power to compel those banks to join the Federal reserve system in the event Congress should choose to exercise its power?

Mr. BRAND of Georgia. I am inclined to think it does have that power if the State banks are engaged in interstate and not solely intrastate business. If this bill should become a law and the franchise tax finally equal the $50,000,000 appropriated, there would not thereafter be any necessity to take a dollar out of the Treasury of the United States.

I did not fix the amount of the guarantee fund at the sum of $50,000,000 arbitrarily. As far as I could, from time to time, I obtained information from the office of the Comptroller of the Currency in regard to the losses sustained by banks since the act creating the Federal reserve system was passed by Congress, as well as prior thereto, and particularly the number of failures of banks in the system during the last five years and the losses sustained by the depositors on account of these failures.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there?

Mr. BRAND of Georgia. Yes.

Mr. HUDSON. How long does the gentleman estimate that it would be before that sum would be covered back into the Treasury?

Mr. BRAND of Georgia. That is a very fair question. The Federal reserve system has been in vogue about 12 years, and there has been paid into the Treasury up to July 1, 1925, as a franchise tax, $139,992,093.58. There have been a great many bank failures in the past five or six years, though I take it that there will not be an increased number in the future.

Mr. HUDSON. Is there not a probability that the number will decrease?

Mr. BRAND of Georgia. Yes; there is strong probability that bank failures will materially decrease in the future rather than increase.

Mr. ALMON. Will the gentleman tell us what was approximately the amount of losses to the banks per annum—that is, member banks belonging to the Federal reserve system.

Mr. BRAND of Georgia. I am glad the gentleman inquired as to that. I have made some investigation into the amount of failures of banks and losses sustained thereby before and since the Federal reserve system was inaugurated. Prior to that time the losses were not anything like what they have been since the establishment of the system, particularly since 1920. The following statement, furnished at my request by the Comptroller of the Currency, shows the losses in insolvent member banks from 1921 to 1924, inclusive, the total losses to creditors, however, include other creditors besides depositors:

Statement of losses sustained by creditors of insolvent national banks in receivership which were completely liquidated during the years 1921 to 1925, inclusive

Year	Number of liquidations	Liabilities to creditors	Amount paid creditors	Losses sustained by creditors
1921	14	$4,085,035	$2,737,604	$1,347,431
1922	11	3,244,714	1,976,009	1,268,705
1923	13	2,362,876	940,584	1,422,292
1924	19	7,644,445	5,334,843	2,309,602
1925	5	804,850	804,850	
Total	62	18,141,920	11,793,890	6,348,030

Mr. ALMON. To what does the gentleman ascribe the increase?

Mr. BRAND of Georgia. It was brought about, and the primary cause is due to the deflation policy set in motion during the year 1920 by the Federal Reserve Board.

Mr. MANLOVE. Mr. Chairman, will the gentleman yield there?

Mr. BRAND of Georgia. Certainly.

Mr. MANLOVE. What proportion of those are State banks?

Mr. BRAND of Georgia. There are 20,168 State banks in the United States not in the Federal reserve system, though not all of them are eligible for membership, and only 1,369 in the system. If this bill becomes a law, you will find these State banks that are not in the system falling over themselves in trying to get into the system. Every State bank not protected by State legislation will endeavor to get into the system, or should do so.

Mr. ALMON. Have any hearings been held on the bill and is it being considered by the committee?

Mr. BRAND of Georgia. Not yet.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BRAND of Georgia. May I have five minutes more?

Mr. HARRISON. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes more.

Mr. BRAND of Georgia. The Committee on Banking and Currency has been busy holding hearings on a bill from the Treasury Department ever since Christmas. The chairman, Mr. MCFADDEN, was more or less indisposed before Christmas. The bill to which I refer proposes to amend the Federal farm loan act. We have had sessions almost every day, and we shall have sessions for another week or so. I hope the committee will give me a hearing, at least to start on this bill at this session; but if not, I shall expect to have hearings at the next session. If this bill should become a law and my scheme of protection is carried out, in the end it will not increase the liability of the stockholders of any member banks of the Federal reserve system or of any of the 12 Federal reserve banks of the system; but it will protect the depositors of all member banks when a failure occurs. So that, without doubt, they will get every dollar of their money. [Applause.]

I hope you will excuse me for saying that I have examined every State law in the United States in regard to the protection and guaranty of deposits in State banks. I did it last year, including, of course, affected member banks of the Federal reserve system. I have examined all of the bills which have been introduced either at the last session or this session which have for their object the protection of depositors in insolvent banks, and in my judgment none of these bills afford any better or more workable and satisfactory plan than the bill I am discussing.

The time has come when confidence has got to be restored in the banks [applause], otherwise the money of the rank and file of the masses will seek hiding places. In many States stock in banks can not be sold to anybody at any price. Over and above everything that can be said upon this subject, all agree that the depositor who puts his money in any bank and does not get any interest on it ought in a spirit of justice and fairness when the bank fails be paid back his deposits, and this sort of guaranty should be bestowed upon the innocent depositor at the hands of this Congress. The hour has struck for action, and the call comes from every section of our country for protection. [Applause.]

I welcome criticism of my bill by Members of Congress. I want them to study the provisions of the bill. I also welcome criticism from anybody out of Congress, bankers and others, because if it can be improved I want to improve it. I am going to contend as long as I am a Member of Congress for some legislation which will protect depositors against loss on account of insolvency of these banks. [Applause.]

For the reasons outlined by me I can not understand how any Member of Congress, unless controlled by party lash, or how any officer of any bank of the Federal reserve system, or any other person can object to the purpose sought to be accomplished by this bill, unless such a one is wholly without sympathy and destitute of compassion and is utterly indifferent to the welfare of the people of this Republic. [Applause.]

Gross and net earnings and expenses of all Federal reserve banks, and also of each Federal reserve bank, 1914–1930

Gross earnings for Federal reserve system	$941,052,065
Total expenses for Federal reserve system	417,847,900
Net earnings for Federal reserve system	523,204,165
Gross earnings for Federal reserve, Atlanta	46,484,095
Total expenses for Federal reserve, Atlanta	22,774,963
Net earnings for Federal reserve, Atlanta	23,709.132
Gross earnings for Federal reserve, Boston	64,301,175
Total expenses for Federal reserve, Boston	28,371,548
Net earnings for Federal reserve, Boston	35,929,627
Gross earnings for Federal reserve, New York	273,116,241
Total expenses for Federal reserve, New York	95,077,273
Net earnings for Federal reserve, New York	178,038,968
Gross earnings for Federal reserve, Philadelphia	70,835,186
Total expenses for Federal reserve, Philadelphia	28,709,532
Net earnings for Federal reserve, Philadelphia	42,145,654
Gross earnings for Federal reserve, Cleveland	81,781,907
Total expenses for Federal reserve, Cleveland	38,089,978
Net earnings for Federal reserve, Cleveland	43,691,929
Gross earnings for Federal reserve, Richmond	45,280,078
Total expenses for Federal reserve, Richmond	22,070,963
Net earnings for Federal reserve, Richmond	23,209,115
Gross earnings for Federal reserve, Chicago	$134,478,670
Total expenses for Federal reserve, Chicago	57,023,387
Net earnings for Federal reserve, Chicago	77,455,283
Gross earnings for Federal reserve, St. Louis	41,654,421
Total expenses for Federal reserve, St. Louis	24,076,969
Net earnings for Federal reserve, St. Louis	17,577,452
Gross earnings for Federal reserve, Minneapolis	31,008,468
Total expenses for Federal reserve, Minneapolis	15,330,485
Net earnings for Federal reserve, Minneapolis	15,677,983
Gross earnings for Federal reserve, Kansas City	45,907,568
Total expenses for Federal reserve, Kansas City	26,421,013
Net earnings for Federal reserve, Kansas City	19,486,555
Gross earnings for Federal reserve, Dallas	33,972,462
Total expenses for Federal reserve, Dallas	20,843,698
Net earnings for Federal reserve, Dallas	13,128,764
Gross earnings for Federal reserve, San Francisco	72,231,794
Total expenses for Federal reserve, San Francisco	39,088,091
Net earnings for Federal reserve, San Francisco	33,143,703

PHILIPPINE INDEPENDENCE

Mr. OSIAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Philippine bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. OSIAS. Mr. Speaker, exactly 13 years ago to-day the first Philippine mission, headed by Senate President Quezon, sent at the behest of the Philippine Legislature and the Filipino people, in this very city formally and officially presented to the Government and people of the United States our plea for independence. I was with that mission. Before and after that memorable date, April 4, 1919, I had been laboring for our national emancipation. After years of unremitting toil I am naturally happy that at last the day long awaited when we will act on a definite independence bill has come.

April 4, 1932, will be a date forever to be remembered by Filipinos. A concrete independence measure is presented for action before the constitutional representatives of a liberty-loving people. I esteem it an honor and a privilege to have a modest part in the deliberations of this body as we consider H. R. 7233. This resulted from the painstaking study and careful deliberation of the members of the Committee on Insular Affairs under the able chairmanship of the gentleman from South Carolina [Mr. HARE], whose name the bill bears. It enables the people of the Philippines to adopt a constitution and form a government of the Commonwealth of the Philippine Islands and provides for the complete independence of the Filipinos. This bill has merited the approval of the members of the committee and, in the committee report, its passage is strongly recommended. I trust the recommendation will be heeded.

In youth I learned as all of you did learn that a government in a democracy has three branches—legislative, executive, and judicial. I further had the impression that a bill to become a law only needs to be presented, and it would then be approved by both houses and the Chief Executive. In theory all these seemed to be simplicity itself. My legislative experience in the Philippine Senate and in this Congress has taught me that a government has numerous branches. The legislative department alone seems to have different branches. Just now I am wondering if there are not in reality more than 435 branches of Congress—that is to say, as many branches as there are Members plus the committees and other elements. The reality of politics has taught me that, in practice, the enactment of a law is complexity many times complicated.

Before I came here I learned one other thing about your Government. I heard and read that it was a Government of checks and balances. Now I know that it is in truth a Government of checks and balances, mostly checks and balances rather scarce. I have met with so many checks of various kinds. In golfing parlance, I have been made to work my niblick over time. Bunkers galore I have encountered. I am now asking your sympathy and aid so that I may have the joy of playing on the fairway and move along smoothly to the last green.

We had need of the assistance of ever so many in the past and now we need your support all the more. It would be a well-nigh endless task to enumerate the names of those who directly and indirectly assisted in this great struggle, the end of which is now at last not only in sight but

within reach. My people can not too greatly thank previous Congresses which have enacted legislation giving us increased participation in our government. We are thankful to those Members who, in this Congress and in previous Congresses, have submitted bills to secure the fulfillment of America's promise to grant Philippine independence. In this Seventy-second Congress no less than 7 independence bills were presented to this House, 3 from the Republican side and 4 from the Democratic side. This is significant, for it shows that Americans, irrespective of party affiliation, are desirous to effect an immediate and lasting solution of American-Filipino relations on the basis of the redemption of America's pledge and the satisfaction of my people's aspiration.

The Committee on Insular Affairs has had under consideration all these bills and, at the extended and exhaustive hearings held, the Hare bill (H. R. 7233) was used as a basis. Opponents and proponents of the bill were given ample opportunity to present facts and arguments. The representatives of the Filipino people were heard and the record of the hearings contains a wealth of information and data in support of our contention that the time for action has arrived. The members of the committee listened to our plea attentively, courteously, and patiently. They have since deliberated as a body, and as a fruition of their combined wisdom and collective judgment we have before us to-day H. R. 7233, and I join the members in recommending that the bill do pass.

The bill before the House is complete. It takes care of all important eventualities. It was formulated after giving due consideration to the views of the Filipino people and the different elements in the United States interested in the definite settlement of the Philippine question. The amendments incorporated after the presentation of evidence endeavored to harmonize conflicting interests and divergent viewpoints.

It may not be amiss briefly to summarize the salient features of the bill.

The first four sections deal with the constitution.

Section 1 authorizes the Filipino people to hold a constitutional convention to formulate and draft a constitution for the government of the Commonwealth of the Philippines.

Section 2 defines the nature of the constitution to be approved specifying certain mandatory provisions.

Sections 3 and 4 provide for the submission of the constitution to the President of the United States and the Filipino people.

Section 5 provides for the transfer of existing property and rights to the new government of the Commonwealth to be created—

> Except such land or other property as is now actually occupied and used by the United States for military and other reservations of the Government of the United States.

Section 6 deals with the trade relations that should exist between the government of the Commonwealth of the Philippines and the United States before independence is definitely granted. A limitation is placed upon the amount of Philippine exports duty-free to the United States in three major products. More specifically, the limitation is placed at 50,000 long tons on refined sugar and 800,000 tons on unrefined sugar; 200,000 tons on coconut oil, and 3,000,000 pounds on cordage. No limitation whatsoever is placed upon American products exported to the Philippines.

Section 7 prescribes certain conditions to be met pending complete independence. Among these requirements are: (1) the submission of constitutional amendments to the President of the United States for approval; (2) the authority of the President of the United States with respect to certain Philippine laws and obligations and debt and currency; (3) the submission of reports by the President of the Commonwealth to the President of the United States; (4) the appointment of a United States high commissioner for the Philippines; and (5) the appointment of a Philippine resident commissioner to the United States.

Section 8 deals with Philippine immigration to the United States, fixing a maximum annual quota of 50.

Section 9 provides for the withdrawal of American sovereignty and the grant of complete independence to the Philippine Islands on July 4, immediately after the 8-year period from the date of the inauguration of the government of the Commonwealth of the Philippines.

Section 10 deals with the notification of foreign governments by the President of the United States upon the recognition of independence.

Section 11 deals with the tariff duties to be imposed after independence.

The last two sections specify certain statutes continued in force.

It may well be that the bill as presented is not what any one of us would have written. Personally, I wish the period set were shorter. It may well be that to others not every single provision is wholly satisfying. I doubt not that there are features that may be subject to criticism. While all this may be true, none can deny that the enactment of this bill would signify a great step forward. It is the best we have been able to secure. It is the only bill on which we can act now. I accept the judgment of the committee and, with the chairman and the Members, I urge its passage. I believe that this course is the better part of political sportsmanship, and that it is common sense and practical wisdom besides.

It is to the advantage of the people of America and the people of the Philippines that the Philippine problem be now definitely settled. And it is fortunate for both countries that a settlement can be effected amicably and on the basis of mutuality of interests. It is likewise auspicious that the solution herein proposed, namely, the grant of independence, is in accordance with the informed and intense desire of the Filipino people and with the demands of various groups in the United States and America's solemn promise.

That the Filipino people want independence is no longer disputed. Even the opponents of certain features of this particular bill have admitted this to be a fact. To the membership of this body we have frequently made known that our people are a unit for independence. In the record of the hearings we have adduced proofs showing that both political parties in the Philippines, the majority and the minority, are one in their advocacy of independence. Labor, agriculture, business, and professional groups have approved resolutions petitioning that it be immediately granted. Men and women, young and old, have vied with one another in persistently petitioning Congress to redeem America's promise at the earliest possible date. The pagan Filipinos, Mohammedan Filipinos, and Christian Filipinos are united on independence; and the Christian Filipinos, be they Catholic, Aglipayans, or Protestants, are all of one mind on this particular question. It should also be borne in mind that the Philippine Legislature, representing all elements of our population, annually approved resolutions for the early grant of Philippine independence. The slogan, in fact, of all live elements in the Philippines for years has been independence—immediate, absolute, and complete.

From the United States, whether for ethical reasons or on the ground of enlightened selfishness, there have come demands for the early grant of independence from the American Federation of Labor, the American Farm Bureau Federation, the National Beet Growers' Association, the National Grange, the National Cooperative Milk Association, the Farmers' Union, the National Dairy Union, the railroad brotherhoods, and other entities and organizations.

That the United States definitely promised independence is now universally admitted. It is unnecessary to show documentary evidence to such a body as this to prove that America stands committed to the duty of making the Philippines free. It is known that every President of the United States from McKinley has enunciated this as a fundamental Philippine policy. The Congress of the United States in the Philippine autonomy act categorically made known to the world that—

> It is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine

Islands and to recognize their independence as soon as a stable government can be established therein.

The present bill is an earnest attempt to redeem America's solemn pledge and to satisfy the needs, demands, and interests of the peoples of the United States and of the Philippine Islands.

Our common task has been greatly simplified by the labors of the House Committee on Insular Affairs. After a conscientious analysis of the evidence presented at the hearings the committee reached the following conclusions:

1. When the United States, as a result of the war with Spain, assumed sovereignty over the Philippine Islands it disclaimed any intention to colonize or exploit them.
2. In pursuance of such lofty purpose the United States, through Executive pronouncements and a formal declaration made by the Congress in 1916, pledged itself to grant independence to the Philippines. The only condition precedent imposed by the Congress was the establishment of a stable government.
3. It is believed that a stable government now exists in the Philippines; that is, a government capable of maintaining order, administering justice, performing international obligations, and supported by the suffrage of the people.
4. Every step taken by the United States since the inception of American sovereignty over the Philippines has been to prepare the Filipino people for independence. As a result they are now ready for independence politically, socially, and economically.
5. The American farmer is urging protection from the unrestricted free entry of competitive Philippine products.
6. American labor is seeking protection from unrestricted immigration of Filipino laborers, especially at this time of widespread unemployment.
7. The solution of the Philippine problem can no longer be postponed without injustice to the Filipino people and serious injury to our own interests.
8. Any plan for Philippine independence must provide for a satisfactory adjustment of economic conditions and relationships. The present free-trade reciprocity between the United States and the Philippines was established by the American Congress against the opposition of the Filipino people. The major industries of the islands have been built on the basis of that arrangement. This trade arrangement can not be terminated abruptly without injuring both American and Philippine economic interests.

All the Philippine missions who have appeared before congressional committees and the Philippine Resident Commissioners have from time to time presented to the people and Government of the United States a record of substantial progress made to show our people's readiness and to justify the need of action on their national emancipation. The voluminous records of hearings and other documents in the Seventy-first and Seventy-second Congresses contain abundant data and information, facts and figures demonstrative of conditions prevailing in the Philippines. They have been made available to all who were willing to ascertain the truth. It is extremely significant that, after the testimony and evidence have been scrutinized, the committees of the Senate and House of Representatives should have seen fit and deemed wise to act favorably on the independence bills and report them out so that action may be taken by the Congress.

Without unduly burdening the Members with repetitious arguments, let me present a few facts and statements at this juncture to prove the Filipinos' preparedness for an independent life.

Peace reigns throughout the archipelago.

Order exists everywhere.

We have an adequate municipal and insular police force.

An adequate civil-service system is maintained.

There is an adequate system of communication and transportation, and from year to year it is being improved.

About 98 per cent of the posts in the Philippine government are occupied by Filipinos. Most of the American employees are in educational work.

From the beginning of the civil government to the present the Filipinos enjoyed autonomy in their municipal and provincial governments.

In the central government there has been a gradual and steady increase in Filipino participation.

There is in the islands a well-organized system of courts. Justice is administered impartially, without fear or favor.

All the justices of the peace are Filipinos. All the judges of the courts of first instance except two are Filipinos. The chief justice of the supreme court is a Filipino.

Five of the six department heads are Filipinos.

Most of the bureau directors are Filipinos.

In the Philippine Legislature, consisting of the Philippine Senate and the House of Representatives, all the members are Filipinos.

A transition from the present government to the government of the Commonwealth of the Philippines contemplated in this bill under consideration will occasion no very radical change in our political and governmental set-up.

The Philippines is blessed with ample natural resources. It is rich in possibilities—agricultural, mineral, and forestal.

Economically, our island country can comfortably be the home not only of 13,000,000 but fifty or sixty million. It is a land where the climate is favorable, whose soil is fertile, and where famine is practically unknown.

The record of the hearings and the report of the committee show conclusively that the Philippine currency is sound.

They further show that our government is without deficit and has met its obligations and its debts. Better still, it has a balanced budget and a surplus.

The time prescribed in the bill before the grant of complete independence will be adequate to bring about the essential and necessary economic readjustments with the least possible harm to business interests.

The Philippines has a good system of health and sanitation and hospital and public-welfare service. Governmental and private enterprises are working harmoniously in a many-sided program of social service.

The annual death rate in the islands is the lowest among oriental countries.

The people's love of education is proverbial. Parents make the utmost sacrifices to send their children to school, public or private.

Over 30 per cent of the annual budget of our insular government is devoted to educational purposes.

The Filipino children have an opportunity to acquire academic and vocational training. At present we have over 8,500 schools and colleges and 5 universities, public and private. There are nearly 1,350,000 pupils and students in these institutions. English is the medium of instruction used from the first grade up through the elementary, secondary, and collegiate grades. Over 31,000 teachers are employed and, except about 270, all are Filipinos.

The present record of literacy in the Philippines to-day is higher and better than that of 37 of the independent countries of the world.

We are from all essential standpoints ready for independence.

Truly the time is ripe for congressional legislation which definitely settles the Philippine question by fixing the day and pointing out the way for independence. House bill 7233, in the language of the committee report—

provides a sound, feasible, and orderly process of granting independence under conditions which shall be just and fair at once to American and Filipino interests.

The enactment of this measure will remove the cloud of uncertainty in the Philippines. It will dispel all doubt as to the American people's purpose. The whole world shall know that the establishment of a free and independent government is the chief aim and sole justification of America's Philippine occupation.

The passage of this bill amidst the utmost friendship, understanding, and confidence between the American and Filipino peoples is a guaranty that it will be observed faithfully and that its provisions will be interpreted liberally. This act will be a new covenant between the United States and the Philippine Islands, more binding than an ordinary treaty because a great and powerful sovereign state has approved it voluntarily and magnanimously for the benefit of a relatively small and weak country. The Filipino people people shall receive it gratefully.

I believe this day the United States Congress will write a new chapter in history. Redeem America's promise and you will engender new confidence in the Far East. Do an

act of justice and you will reap gratitude. Liberate the Filipinos and they will forever call you blessed.'

Pass this bill, grant independence to our people, and 13,000,000 Filipinos and their children and their children's children will enshrine America's sacred name.

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker, I voted against the so-called Hare bill, H. R. 7233, providing for the independence of the Philippines. My vote was not actuated by any motive or feeling except one which arose from a sincere desire to do what I believed to be best for the Filipino people.

The Philippine Islands came to the United States as a result of a war of liberation waged by our Nation. We have administered the sacred trust thus confided in the most unselfish manner. Some mistakes we have made, but on the whole our work has been done wisely and well. I believe that the great body of American people have held the Filipino people in affectionate esteem. Such, certainly, has been my own sentiment. I have been loath to see them go.

STATEHOOD STATUS

I have hoped that some formula or plan might be evolved which would cause them, proud and happy, to desire to remain under the American flag. I have heretofore suggested that such a formula might be found through giving to the Philippines a statehood status, with representation in the House and Senate, with the full powers—including the right to vote on all questions—now accorded Members of the House and Senate, coming from the State of the Union. Such a statehood status should be somewhat different from that obtaining as to existing States of the Union, because of the differences in the local conditions prevailing in the Philippines and in continental United States. Necessarily, the Philippines would have to be vested with greater local powers and benefits than the respective existing States possess. This consideration would have to be borne in mind as regards the number of Representatives in the Congress to be accorded the Islands. Further, the questions of immigration and customs would require, in the Philippines, a treatment different from that obtaining as to the present States. These questions could be handled through some form of mutual or reciprocal basis.

It has been my hope that some plan might be found whereby the Filipino people would be able to realize both their theoretical and idealistc aspirations as well as those of a purely practical character.

FILIPINO ASPIRATIONS

As the Filipino people progress, these idealistic aspirations as to the unconditional rights of American citizenship—or its full equivalent—become more pronounced. All this is not only natural but highly laudable. There should be no feeling or condition of "inferiority complex" anywhere under the American flag. I have believed that a just solution to the people of the Philippines and to those of the United States might be found, though time, patience, and, perhaps, an amendment to the Federal Constitution might be required. The thoughtful, intelligent Filipinos, in large measure, object to their present status, because they believe it imposes certain limitations on them as regards all the attributes of freedom. In this view they have my full sympathy, but I believe that the economic and political welfare of the Philippine Islands are bound up with the United States, and that any complete and unconditional separation will work to the grave economic and political disadvantage of the islands.

I do not favor trade embargoes against the Philippines. As long as they are under American jurisdiction I desire to see them treated as basic American territory is treated, subject only to the differences which may attach to them because of their geographical situation and their peculiar local conditions.

CONTINUANCE UNDER THE AMERICAN FLAG

It has been my hope to see the Philippine Islands and the Filipino people remain, for better or for worse, under the American flag through the future, and I have also wished that they might of their own will desire this. I have dreamed of the time when the people of continental United States would look toward the insular lands under the flag and say, "our country"; and when, in turn, the people of these insular lands would look toward continental United States and say, "our country." For all these I have wished there to be henceforth a common pride, a common destiny, and a blended heritage. I wish to see the Filipino people happy and prosperous.

I had hoped that through the formulation of some plan of the indicated character, they would be very glad to remain with us, and that we would be glad to have them remain.

As I have just indicated, it is my judgment that complete separation from the United States of the Philippines, and their absolute political independence, will be fatal to their welfare. It will be difficult for thousands of islands, big and little, separated by the wastes of the sea, with varying dialects and religions, to bind themselves into the bonds of indissoluble, enduring nationhood. The cold facts of life should not be blinked, especially those which affect the weal or woe of millions of people. The history and the age-old experience of the human race should not be disregarded.

DIFFICULTIES INVOLVED

This I say without the thought of casting any reflection on the Filipino people. If they were compacted into a single boundary, continental or islandic, the case might be different. Even in the United States, in a single boundary, its people possessed of a common tongue, domestic questions proved so difficult of solution that one of the greatest civil wars of history was waged before the American Union was complete. If the Philippines are accorded absolute, unconditional independence, may any number of civil or secessional wars bring about their complete unification and union? I doubt it. The geographical, racial, religious, and linguistic conditions, in my judgment, make against it.

Again, free and unconditional political independence will, I believe, invite or permit, sooner or later, invasion and subjection of the islands by more powerful nations, in one or another form.

The penetration, at first, may be more or less peaceful or economic, but in the light of all history, ancient, modern, and current—how may the Philippine Islands escape the fate which has overtaken so many countries similarly circumstanced?

The peace of the world may be endangered by our abandonment of the islands.

NO RESPONSIBILITY WITHOUT AUTHORITY

The Government and people of the United States can not afford to accept responsibility without authority. If the Philippines are to leave Uncle Sam's household at all, there should be no "mental reservations" involved. If a new Filipino nation is set up, it must derive protection from its own army and navy, and this would mean heavy tax burdens upon the Filipinos and the diversion of large sums from internal improvement purposes.

FREE TRADE WITH UNITED STATES

My judgment is that the Philippines can not economically exist—that is to say, exist in a satisfactory way—except through broad, intimate, and unrestricted trade relationships with the United States. Withdraw these advantages and the Philippines will soon be gasping for economic breath.

On the other hand, our trade with the Philippines means much to the American people. The potential resources of the Philippines are great. They need development. Where, better than in the United States, may capital for such development be found? I have believed that our mutual trade relations redound to our mutual benefit, and that this benefit will grow as the years roll on. Continental United States is a great mainland of the temperate zone, industrial as well as agricultural in character. In the tropical isles of the Filipino world are produced those growths of the soil and those articles of handicraft which, when compared with what we grow and manufacture, invite, for the most part, exchange rather than competition. Hence in the

ultimate situation the continued political bond between the United States and the Philippines should be mutually beneficial.

CHANGING VIEWPOINT

In this connection I know that large numbers of the American people have recently come to believe that the continuance of this bond makes for the commercial and economic disadvantage of the people of the United States. Considering the matter in its broad and enduring aspects I do not believe this is the correct view. But for this adverse opinion of many of our people, reflected so largely in the Congress, the bill under discussion would certainly have failed to command the strength that it did command upon its passage by the House. The vote involved did not, it seems to me, imply any particular compliment or altruistic concern for the Philippines. Because of purely economic considerations, rather than through those of sentiment or obligation, I believe, that vote was chiefly influenced.

Touching the passage of the bill by the House, I must not minimize, however, the effective efforts made in that behalf, by our greatly esteemed colleagues, Commissioners GUEVARA and OSIAS. Their influence in the Congress is of the highest character; and it was fully exercised to bring about favorable House action for the measure.

My earnest judgment is that considerations of sentiment and obligation should be paramount. Thus motivated, may not my vote prove me to be as good a friend of the Filipino people as the vote of another, who thought only in terms of commercial advantage to continental United States?

UNITED STATES AND THE PHILIPPINES

Destiny brought into the orbit of the United States of America the Philippine Islands.

The providence of the ages enabled the United States to become the liberator and protector of the islands. Compare the record of service made by the United States in the Philippines with the record of service of any other nation in any age, in any similar relationship. Is not the balance all in favor of the United States? Match, if you can, anywhere else the splendid unselfishness of the Republic of Washington and Lincoln in its dealings with the insular countries which came under its protection as a result of the Spanish-American War. We have not exploited these lands. We have put into them far more than we have taken out. And a part of what we have put into them has been the ideal of the highest liberty and independence. That ideal we do not wish to see destroyed; but I, for one, have hoped that it might be fully realized by an enduring acceptance by the Filipino people of the American flag and the American destiny upon terms that might be altogether consonant with that ideal.

And thus, Mr. Speaker, I have indulged the hope, born of the affection and esteem I have felt for the Filipino people—and, I have seen their beautiful islands, and have partaken of their splendid hospitality—the hope, I may say, that a formula might be evolved that would fully satisfy Filipino aspirations; a formula that would cause them to desire, upon their own volition and election, to march under the Stars and Stripes, with the States of the American Union—the Philippine Islands themselves a State, making its distinctive and invaluable contribution to the common nation—on and on through the eventful years of the indefinite future.

A PARLIAMENTARY INQUIRY

Mr. UNDERHILL. Mr. Speaker, I would like to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERHILL. On a motion to suspend the rules the Speaker is supposed to recognize and does recognize the ranking member of the committee who is opposed to the bill to demand a second.

The SPEAKER. That is customary.

Mr. UNDERHILL. Then must the Member who has that distinction recognize those in opposition to the bill or may he use his own discretion?

The SPEAKER. The Chair generally asks the question, as he did yesterday, whether the Member demanding a second is opposed to the bill. If he says he is, the Chair will recognize him. If he is a member of the committee and there is a contest in the committee, the Chair usually recognizes the Member who qualifies as being opposed to the bill, so that he may control the time against the bill.

Mr. UNDERHILL. I do not want the Chair to understand that I am criticizing him for his action yesterday, because it was perfectly proper, but I want to know if it is ethical for the man so recognized, and who then votes for the bill, to yield the time to those who are in favor of the bill instead of to those opposed to it?

The SPEAKER. The Chair hardly thinks that is a parliamentary inquiry. The Chair might not have the ethics that other Members of the House have, so the Chair must decline to pass on the ethics.

Mr. UNDERHILL. May I ask if there is any way whereby the minority can be protected in their rights?

The SPEAKER. The Chair does not know to what the gentleman refers; but if a Member of the House qualifies by saying he is opposed to the bill, then it is a matter for his own judgment as to what his procedure will be after that.

Mr. UNDERHILL. Then it is a matter of ethics and honesty?

PHILIPPINE INDEPENDENCE

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Philippine bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, ladies, and gentlemen, notwithstanding that this bill will delay the recognition of Philippine independence for nearly 12 years, I shall vote for it, inasmuch as it is the best that can be obtained at this time. For nearly 25 years I have been advocating granting to the Philippine people their independence.

My first resolution to that effect, which called for neutrality so as to protect the islands from any foreign interference, was introduced in 1909, and I still feel that the plan embodied in my resolution would be, even at this late date, the safest to pursue. But the committee, having thoroughly and carefully investigated the conditions, disagreed with this plan and reported the bill, which, as I have stated, will grant the Philippine people their freedom upon their complying with its provisions at no later date than 1945, and which I take the privilege of inserting:

A bill to enable the people of the Philippine Islands to adopt a constitution and form of government for the Philippine Islands, to provide for the independence of the same, and for other purposes

Be it enacted, etc.,

CONVENTION TO FRAME CONSTITUTION FOR PHILIPPINE ISLANDS

SECTION 1. The Philippine Legislature is hereby authorized to provide for the election of delegates to a constitutional convention to meet at such time and place as the Philippine Legislature may fix, to formulate and draft a constitution for the government of the Commonwealth of the Philippine Islands, subject to the conditions and qualifications prescribed in this act, which shall exercise jurisdiction over all the territory ceded to the United States by the treaty of peace concluded between the United States and Spain on the 10th day of December, 1898, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900. The Philippine Legislature shall provide for the necessary expenses of such convention.

CHARACTER OF CONSTITUTION—MANDATORY PROVISIONS

SEC. 2. The constitution formulated and drafted shall be republican in form, shall contain a bill of rights, and shall, either as a part thereof or in an ordinance appended thereto, contain provisions to the effect that, pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands—

(a) All citizens of the Philippine Islands shall owe allegiance to the United States.

(b) Every officer of the government of the Philippine Islands shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

(c) Absolute toleration of religious sentiment shall be secured, and no inhabitant or religious organization shall ever be molested

in person or property on account of religious belief or mode of worship.

(d) Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

(e) Trade relations between the Philippine Islands and the United States shall be upon the basis prescribed in section 6.

(f) The public debt of the Philippine Islands and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States; and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(g) The debts, liabilities, and obligations of the present Philippine government, its Provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the constitution, shall be assumed and paid by the new government.

(h) Provision shall be made for the establishment and maintenance of an adequate system of public schools primarily conducted in the English language.

(i) No part of the public revenues shall be used for the support of any sectarian or denominational school, college, university, church, or charitable institution.

(j) Acts affecting the currency or coinage laws shall not become law until approved by the President of the United States.

(k) Foreign affairs shall be under the direct supervision and control of the United States.

(l) All acts passed by the Legislature of the Commonwealth of the Philippine Islands shall be reported to the Congress of the United States.

(m) The Philippine Islands recognizes the right of the United States to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines and, upon order of the President, to call into the service of such armed forces all military forces organized by the Philippine government.

(n) Appeals to the Supreme Court of the United shall be as now provided by existing law and shall also include all cases involving the constitution of the Commonwealth of the Philippine Islands.

(o) The United States may exercise the right to intervene for the preservation of the government of the Commonwealth of the Philippine Islands and for the maintenance of the government as provided in their constitution and for the protection of life, property, and individual liberty and for the discharge of government obligations under and in accordance with the provisions of their constitution.

(p) The authority of the United States High Commissioner to the government of the Philippine Islands, as provided in this act, shall be recognized.

(q) Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippine Islands all the civil rights of the citizens and corporations respectively thereof.

SUBMISSION OF CONSTITUTION TO THE PRESIDENT OF THE UNITED STATES

SEC. 3. Upon the drafting and approval of the constitution by the constitutional convention in the Philippine Islands such constitution shall be submitted to the President of the United States, who shall determine whether or not it conforms with the provisions of this act. If he finds that the proposed constitution conforms substantially with the provisions of this act he shall so certify to the Governor General of the Philippine Islands, who shall so advise the constitutional convention assembled, but if he finds that the proposed constitution does not conform with the provisions of this act he shall so advise the Governor General, stating wherein in his judgment the constitution does not so conform and submitting provisions which will in his judgment make the constitution so conform. The Governor General shall in turn submit such message to the constitutional convention for further action by them, pursuant to the same procedure hereinbefore defined, until the President and the constitutional convention are in agreement.

SUBMISSION OF CONSTITUTION TO FILIPINO PEOPLE

SEC. 4. After the President of the United States has certified that the constitution conforms with the provisions of this act it shall be submitted to the people of the Philippine Islands for their ratification or rejection at an election to be held within four months after the date of such certification, on a date to be fixed by the Philippine Legislature, at which election the qualified voters of the Philippine Islands shall have an opportunity to vote directly for or against the proposed constitution and ordinances appended thereto. Such election shall be held in such manner as may be prescribed by the Philippine Legislature, to which the return of the election shall be made. The Philippine Legislature shall by law provide for the canvassing of the return and, if a majority of the votes cast on that question shall be for the constitution, shall certify the result to the Governor General of the Philippine Islands, together with a statement of the votes cast thereon, and a copy of said constitution and ordinances. The Governor General shall, in that event, within 30 days after receipt of the certification from Philippine Legislature, issue a proclamation for the election of officers of the government of the Commonwealth of the Philippine Islands provided for in the constitution. The election shall take place not earlier than three months nor later than six months after the proclamation by the Governor General ordering such election. When the election of the officers provided for under the constitution has been held and the results determined, the Governor General of the Philippine Islands shall certify the result of the election to the President of the United States, who shall thereupon issue a proclamation announcing the results of the election, and upon the issuance of such proclamation by the President the existing Philippine government shall terminate and the new government shall enter upon its rights, privileges, powers, and duties, as provided under the constitution. The present government of the Philippine Islands shall provide for the orderly transfer of the functions of government.

If a majority of the votes cast are against the constitution, the existing government of the Philippine Islands shall continue without regard to the provisions of this act.

TRANSFER OF PROPERTY AND RIGHTS TO PHILIPPINE COMMONWEALTH

SEC. 5. All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaties mentioned in the first section of this act, except such land or other property as is now actually occupied and used by the United States for military and other reservations of the Government of the United States, and except such land or other property or rights or interests therein as may have been sold or otherwise disposed of in accordance with law, are hereby granted to the new government of the Commonwealth of the Philippine Islands when constituted.

TRADE RELATIONS WITH THE UNITED STATES PENDING COMPLETE INDEPENDENCE

SEC. 6. After the date of the inauguration of the government of the Commonwealth of the Philippine Islands trade relations between the United States and the new government shall be as now provided by law, subject to the following exceptions:

(1) There shall be levied, collected, and paid on all refined sugars in excess of 50,000 long tons, and on unrefined sugars in excess of 800,000 long tons, coming into the United States from the Philippine Islands in any calendar year, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(2) There shall be levied, collected, and paid on all coconut oil coming into the United States from the Philippine Islands in any calendar year in excess of 200,000 long tons, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(3) There shall be levied, collected, and paid on all yarn, twines, cords, cordage, rope, and cables, tarred or untarred, wholly or in chief value of manila (abaca) or other hard fibers, coming into the United States from the Philippine Islands in any calendar year in excess of a collective total of 3,000,000 pounds of all such articles hereinbefore enumerated, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(4) In the event that in any year the limit in the case of any article which may be exported to the United States free of duty shall be reached by the Philippine Islands, the amount or quantity of such articles produced in the Philippine Islands thereafter that may be so exported to the United States shall be allocated, under export permits issued by the government of the Commonwealth of the Philippine Islands, to the producers or manufacturers of such articles proportionately on the basis of their exportation to the United States in the preceding year; except that in the case of unrefined sugar the amount thereof to be exported annually to the United States free of duty shall be allocated to the sugar-producing mills of the islands proportionately on the basis of their production in the preceding year, and the amount of sugar which may be exported from each mill shall be allocated between the mill and the planters on the basis of the proportion of sugar received by the planters and the mill from the planters' cane, as provided in their milling contract. The government of the Philippine Islands is authorized to adopt the necessary laws and regulations for putting into effect the allocation hereinbefore provided.

When used in this section in a geographical sense, the term "United States" includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam.

SEC. 7. Until the final and complete withdrawal of American sovereignty over the Philippine Islands—

(1) Every duly adopted amendment to the constitution of the government of the Commonwealth of the Philippine Islands shall be submitted to the President of the United States for approval. If the President approves the amendment, or if the President fails to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such constitution.

(2) The President of the United States shall have authority to suspend the taking effect of the operation of any law, contract, or executive order of the government of the Commonwealth of the Philippine Islands, which in his judgment will result in a failure of the government of the Commonwealth of the Philippine Islands to fulfill its contract, or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippine Islands, or which in his judgment will violate international obligations of the United States.

(3) The chief executive of the government of the Commonwealth of the Philippine Islands shall make an annual report to the President and Congress of the United States of the proceedings and operations of the government of the Commonwealth of the Philippine Islands and shall make such other reports as the President or Congress may request.

(4) The President shall appoint, by and with the advice and consent of the Senate, a United States high commissioner to the government of the Commonwealth of the Philippine Islands who shall hold office at the pleasure of the President and until his successor is appointed and qualified. He shall be known as the United States high commissioner to the Philippine Islands. He shall be the representative of the President of the United States in the Philippine Islands and shall be recognized as such by the government of the Commonwealth of the Philippine Islands, by the commanding officers of the military forces of the United States, and by all civil officials of the United States in the Philippine Islands. He shall have access to all records of the government or any subdivision thereof, and shall be furnished by the chief executive of the Commonwealth of the Philippine Islands with such information as he shall request.

If the government of the Commonwealth of the Philippine Islands fails to pay any of its bonded or other indebtedness or the interest thereon when due or to fulfill any of its contracts, the United States high commissioner shall immediately report the facts to the President, who may thereupon direct the high commissioner to take over the customs offices and administration of the same, administer the same, and apply such part of the revenue received therefrom as may be necessary for the payment of such overdue indebtedness or for the fulfillment of such contracts. The United States high commissioner shall annually, and at such other times as the President may require, render an official report to the President and Congress of the United States. He shall perform such additional duties and functions as may be lawfully delegated to him from time to time by the President.

The United States high commissioner shall receive the same compensation as is now received by the Governor General of the Philippine Islands, and shall have such staff and assistants as the President may deem advisable and as may be appropriated for by Congress. He may occupy the official residence and offices now occupied by the Governor General. The salaries and expenses of the high commissioner and his staff and assistants shall be paid by the United States.

The first United States high commissioner appointed under this act shall take office upon the inauguration of the new government of the Commonwealth of the Philippine Islands.

(5) The government of the Commonwealth of the Philippine Islands shall provide for the selection of a Resident Commissioner to the United States, and shall fix his term of office. He shall be the representative of the government of the Commonwealth of the Philippine Islands and shall be entitled to official recognition as such by all departments upon presentation to the President of credentials signed by the chief executive of said islands. He shall have a seat in the House of Representatives of the United States, with the right of debate, but without the right of voting. His salary and expenses shall be fixed and paid by the government of the Philippine Islands. Until a Resident Commissioner is selected and qualified under this section, existing law governing the appointment of Resident Commissioners from the Philippine Islands shall continue in effect.

(a) For the purposes of the immigration act of 1917, the immigration act of 1924 (except sec. 13 (c)), this section, and other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, persons who are citizens of the Philippine Islands, and who are not citizens of the United States, shall be considered as if they were aliens. For such purposes the Philippine Islands shall be considered as if it were a separate country and shall have for each fiscal year a quota of 50. This subdivision shall not apply to a person coming or seeking to come to the Territory of Hawaii who does not apply for and secure an immigration or passport visa.

(b) Citizens of the Philippine Islands who are not citizens of the United States shall not be admitted to the continental United States from the Territory of Hawaii (whether entering such Territory before or after the effective date of this section) unless they belong to a class declared to be nonimmigrants by section 3 of the immigrant act of 1924 or to a class declared to be nonquota immigrants under the provisions of section 4 of such act other than subdivision (c) thereof, or unless they were admitted to such Territory under an immigration visa. The Secretary of Labor shall by regulations provide a method for such exclusion and for the admission of such excepted classes.

(c) Any Foreign Service officer may be assigned to duty in the Philippine Islands under a commission as a consular officer, for such period as may be necessary and under such regulations as the Secretary of State may prescribe, during which assignment such officer shall be considered as stationed in a foreign country; but his powers and duties shall be confined to the performance of such of the official acts and notarial and other services which such officer might properly perform in respect of the administration of the immigration laws if assigned to a foreign country as a consular officer, as may be authorized by the Secretary of State.

(d) For the purposes of sections 18 and 20 of the immigration act of 1917, as amended, the Philippine Islands shall be considered a foreign country.

(e) The provisions of this section are in addition to the provisions of the immigration laws now in force, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this section. An alien, although admissible under the provisions of this section, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this section, and an alien, although admissible under the provisions of the immigration laws other than this section, shall not be admitted to the United States if he is excluded by any provision of this section.

(f) Terms defined in the immigration act of 1924 shall, when used in this section, have the meaning assigned to such terms in that act.

(g) This section shall take effect 60 days after the enactment of this act.

RECOGNITION OF PHILIPPINE INDEPENDENCE AND WITHDRAWAL OF AMERICAN SOVEREIGNTY

SEC. 9. (1) On the 4th day of July immediately following the expiration of a period of eight years from the date of the inauguration of the new government under the constitution provided for in this act the President of the United States shall withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands, including all military and other reservations of the Government of the United States in the Philippines and, on behalf of the United States, shall recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof under the constitution then in force: *Provided*, That the constitution of the Commonwealth of the Philippine Islands has been previously amended to include the following provisions:

(2) That the property rights of the United States and the Philippine Islands shall be promptly adjusted and settled, and that all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippine Islands.

(3) That the government of the Philippine Islands will cede or grant to the United States land necessary for commercial base, coaling or naval stations at certain specified points, to be agreed upon with the President of the United States not later than two years after his proclamation recognizing the independence of the Philippine Islands.

(4) That the officials elected and serving under the constitution adopted pursuant to the provisions of this act shall be constitutional officers of the free and independent government of the Philippine Islands and qualified to function in all respects as if elected directly under such government, and shall serve their full terms of office as prescribed in the constitution.

(5) That the debts and liabilities of the Philippine Islands, its Provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent government of the Philippine Islands; and that where bonds have been issued under authority of an act of Congress of the United States by the Philippine Islands, or any Province, city, or municipality therein, the Philippine government will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on the taxes collected in the Philippine Islands.

(6) That the government of the Philippine Islands, on becoming independent of the United States, will assume all continuing obligations assumed by the United States under the treaty of peace with Spain ceding said Philippine Islands to the United States.

(7) That by way of further assurance the government of the Philippine Islands will embody the foregoing provisions (except paragraph (3)) in a treaty with the United States.

NOTIFICATION TO FOREIGN GOVERNMENTS

SEC. 10. Upon the proclamation and recognition of the independence of the Philippine Islands, the President shall notify the governments with which the United States is in diplomatic correspondence thereof and invite said governments to recognize the independence of the Philippine Islands.

TARIFF DUTIES AFTER INDEPENDENCE

SEC. 11. After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries: *Provided*, That at least six months prior to the withdrawal of American sovereignty, as hereinbefore provided, there shall be held a conference of representatives of the Government of the United States and the government of the Commonwealth of the Philippine Islands, such representatives to be appointed by the President of the United States and the chief executive of the Commonwealth of the Philippine Islands, respectively, for the purpose of formulating recommendations as to future trade relations between the Government of the United States and the independent government of the Philippine Islands, the time, place, and manner of holding such conference to be determined by the President of the United States; but nothing in this proviso shall be construed to modify or affect in any way provision of this act relating to the procedure leading up to Philippine independence or the date upon which the Philippine Islands shall become independent.

CERTAIN STATUTES CONTINUED IN FORCE

SEC. 12. Except as in this act otherwise provided, the laws now or hereafter in force shall continue in force in the Philippine

Islands until altered, amended, or repealed by the Legislature of the Commonwealth of the Philippine Islands or by the Congress of the United States, and all references in such laws to the Philippines or Philippine Islands shall be construed to mean the government of the Commonwealth of the Philippine Islands. The government of the Commonwealth of the Philippine Islands shall be deemed successor to the present government of the Philippine Islands and of all the rights and obligations thereof. Except as otherwise provided in this act, all laws or parts of laws relating to the present government of the Philippine Islands and its administration are hereby repealed as of the date of the inauguration of the government of the Commonwealth of the Philippine Islands.

SEC. 13. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

This, of course, will give the American investors ample opportunity to adjust their affairs without causing any hardship, and will enable the Philippine people to adjust their domestic as well as foreign affairs in a manner that I hope will be satisfactory in every respect. My advocacy of the Philippine independence has been motivated by no other reason than to have our Nation keep faith, not only with the Philippine people but with the world, and prove without doubt that it is not the policy and the intent of this country to enlarge our foreign possessions.

To-day I am indeed gratified that after many years a favorable vote was taken fulfilling the solemn pledge and assurance given to the Philippine people and the world that this country was going to grant the islands their independence. I have always felt that the assurance contained in President Wilson's message in 1913 should and would be fulfilled:

We regard ourselves as trustees acting not for the advantage of the United States but for the benefit of the people of the Philippine Islands. Every step we take will be taken with a view to ultimate independence of the islands and as a preparation for that independence.

I also feel that the action taken by Congress in 1916 clearly stated our position when we adopted the following resolution:

Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence.

Nearly 16 years have passed since the enactment of this resolution. More than 10 years have elapsed since President Wilson certified to the Congress that the condition precedent for the granting of independence has been fulfilled.

I fully appreciate that many gentlemen will vote for this bill for economical reasons. But this is not so in my case. I have always believed and advocated that it was not the intention of our Government to deprive the Philippine people of their independence—the independence which we ourselves cherish and which is so dear to us.

I hope that this bill will meet with the approval of the other body and that the President, notwithstanding his imperialistically inclined advisers, will approve it and thereby cause rejoicing and happiness in the hearts of 13,000,000 or more Philippine people.

It is my foremost hope and wish that the Philippine people will adopt a constitution that will forever bring freedom and liberty to every person in the islands and that they will demonstrate to the doubtful, selfish, and militaristic groups their ability of self-government in precisely the same way that our own thirteen Colonies had demonstrated and proved to those who over a century and a half ago showed skepticism that they were capable of self-government.

It is also my wish that they will be spared the trials and tribulations that have been ours; that they will realize that in harmony and cooperation is strength; that prudence and wisdom will guide them in all their actions; and that happiness and contentment and prosperity will forever be theirs.

HENRIETTA M. WILLIAMSON

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from North Carolina offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 180

Resolved, That there shall be paid, out of the contingent fund of the House, to Henrietta Moye Williamson, widow of Milton Clay Williamson, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray funeral expenses of the said Milton Clay Williamson.

The resolution was agreed to.

JESSIE M'KINLEY

Mr. WARREN. Mr. Speaker, I offer another privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from North Carolina offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 178

Resolved, That there shall be paid, out of the contingent fund of the House, to Jessie McKinley, daughter of Henry C. McKinley, late an employee of the House, an amount equal to six months' compensation and an additional amount, not exceeding $250, to defray funeral expenses of the said Henry C. McKinley.

The resolution was agreed to.

CALL OF THE HOUSE

Mr. BACHMANN. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. WARREN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 43]

Abernethy	Doughton	Johnson, S. Dak.	Reid, Ill.
Aldrich	Drane	Kennedy	Sanders, N. Y.
Andrew, Mass.	Drewry	Kurtz	Schneider
Andrews, N. Y.	Erk	Lamneck	Seiberling
Bacharach	Fish	Larrabee	Shreve
Bacon	Foss	Larsen	Stokes
Beers	Freeman	Lewis	Strong, Pa.
Burch	Garrett	Lindsay	Sullivan, Pa.
Burdick	Gillen	McFadden	Taylor, Tenn.
Campbell, Pa.	Goldsborough	McSwain	Thurston
Chapman	Hall, Ill.	Magrady	Treadway
Chase	Harlan	Martin, Mass.	Tucker
Cochran, Pa.	Hogg, Ind.	Montague	Turpin
Collier	Hogg, W. Va.	Murphy	Watson
Connery	Houston	Owen	Welsh, Pa.
Crisp	Hull, William E.	Peavey	Wolfenden
Darrow	Igoe	Perkins	Wood, Ga.
Dieterich	Johnson, Ill.	Purnell	

The SPEAKER. Three hundred and sixty-three Members have answered to their names; a quorum is present.

Mr. RAINEY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

PHILIPPINE INDEPENDENCE

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks on the Philippine independence bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. NELSON of Wisconsin. Mr. Speaker, I have been heartily in favor of Philippine independence from the very beginning of our occupation of the islands; and now that the opportunity is offered Congress to grant to the people of the Philippine Islands the independence they have for

more than 30 years been earnestly and persistently pleading for, I am glad to have the privilege of voting for the enactment of the Hare bill.

The reasons that have inspired me to favor it are too numerous to consider in detail at this time; they have already been stated by me on the floor of this House in a previous Congress. Therefore, I shall mention a few of the more important phases I have already discussed. To-day I purpose to speak principally on nationalism, the spirit of patriotism, which prompts the Filipinos to seek their own rightful place in the family of nations.

PROMISES

First of all our promises. I believe that we as a nation must keep faith with the Filipino nation or lose our own self-respect and the respect of other peoples, and particularly the people of the Orient. Secretary of State Stimson aptly said:

> In nothing will we be judged more sharply and critically than in the way in which we keep our promise with these Filipino people who, for 30 years, we announced to the world we should govern in their interest and not in our interests.

That we have promised them independence no one can seriously attempt to deny. I have little patience with those who would quibble about this promise with such subterfuge as that these pronouncements were not "technically exactly promises"; or that "we have never given them a definite promise of independence"; and that we have a right to disregard our solemn promise to them made by legislative act because that "promise was not in the body of the bill and could not bind the American people." The well-known American author, Felix Morley, calls that "chicanery, unworthy of those who deal with the faith and honor of a nation." It has been stated by scores of responsible authorities and has recently been affirmed by President Hoover:

> • • • Independence of the Philippines at some time has been directly or indirectly promised by every President and by the Congress. • • • The problem is one of time.

FILIPINO CONFIDENCE IN AMERICA

Early in their contact with us the Filipinos had confidence in our sincerity of purpose; they were convinced that our occupation of the Philippines was not selfish or mercenary, but was for the sake of humanity. A proclamation by Filipinos to Filipinos declared:

> Divine Providence places us in a position to secure our independence, and this under the freest form to which all individuals, all peoples, all countries, may aspire.

At the time of the World War, when the American forces were needed elsewhere and were withdrawn from the islands, perfect order was maintained; the Filipinos not only refrained from pressing their own plea for independence but did all in their power to support our country in the fight we were making for the integrity of all nations, great and small. They did not take advantage of us then because they had full confidence that when the proper time came we would deal justly with them.

We expect that they shall continue in the future to hold the same confidence in our Nation when we shall have sponsored and set up the first Christian republic in the Orient.

AMERICAN INTERESTS

I am interested, too, in this question because it is of vital importance to the American people who have to compete with Philippine products and Philippine labor. Before the committee hearing this question have come representatives of the Federation of Labor, the Farmers' Union, the National Dairy Union, the railroad brotherhoods pleading to Congress for relief from this competition. Their desire for Philippine independence is not motivated wholly by their own self-interest. As American citizens, they take pride in seeing their country do the thing that is noble and right. In the words of one of their representatives:

> • • • farmers are citizens just as much as town people; and if the Government has made a promise, it should be fulfilled.

They believe, as I do, that the best way to serve our own interests is to be fair and honorable with the people of the Philippines by granting their independence now. The present unsatisfactory relations exemplify the truth that "justice delayed is justice denied."

NATIONALISM—OURS AND OTHERS

I believe in Philippine independence because I am convinced that every nation should be given the privilege of preserving its national identity.

A Commissioner of the Philippine Islands has aptly said that if Washington were here to-day, "he would be deeply sympathetic with the aspirations of the 13,000,000 souls across the sea who have fought, labored, and sacrificed that they, too, may have a country of their own, independent and free." To-day our Nation is in the midst of a country-wide celebration of the two hundredth anniversary of the birth of this great American. It is fitting that we should so honor George Washington—the incarnation of our spirit of patriotism and of nationalism. But while we do so, we can not consistently be deliberately blind to the love of country that dominates the thought, the will, the actions of other nationalistic groups, nor be stubbornly indifferent to their appeal for reasonable and just treatment.

NATIONALISM EVERYWHERE

Nationalism is playing a most significant part to-day in the present turbulent affairs of the world. It is everywhere manifest. Korea for the Koreans; Italy for a greater Italy; Poland for a unified Poland; Ireland for the Sinn Fein; Indians over India; the Philippines for the Filipinos; and the United States for the 100 per centers. "Buy British goods," "buy American goods," high-tariff walls, and competitive armaments have their origin in the same source—nationalism.

WHAT IS IT?

Since it is everywhere, what is it? Times of real or imagined prosperity drove men to seek more raw materials and more markets. Because of their hemp, oil, or rubber, almost unknown peoples sprang into prominence. The resources that should have been a blessing to the people became their political snare. World contacts that should have made for peace and friendly relations culminated in a World War. Ever since that catastrophe to mankind historians, sociologists, anthropologists, and publicists, in order to prevent another world disturbance, have set to work to study the root, stem, and flower of that mysterious phenomenon called "nationalism."

What did they find? On nationalism, its origin, and its nature men are not agreed; but in one conclusion they are practically unanimous—that this thing "nationalism" is intangible and mysterious and exceedingly deep and powerful. It is a force laden with blessing and loaded with dynamite. Prof. Carlton Hayes, of Columbia University, calls it the "most significant emotional factor in public life to-day."

ITS POWER

The power of nationalism is revealed in history. The French Revolution was the real birth agony of nationalism. Nationalism it was that tore limb from limb the Spanish Empire. Nationalism changed the map of Europe. Nationalism is breaking up the British Empire. Nationalism is transforming the Orient.

NATIONALITY AND BOUNDARIES

John Stuart Mill held the necessary condition of nationalism to be "that the boundaries of government coincide in the main with those of nationality." Herein lies the problem of alien domination over subject peoples. Herein lies the problem of Japan in Manchuria and Korea, of Great Britain in Egypt, in Ireland, in India, and herein lies the problem of the United States in Hawaii and in the Philippine Islands. Will the nationalism of Great Britain, Holland, Japan, and the United States honor the boundaries of government and nationality? Or will these imperialistic nations see only the oriental market, oriental raw materials, a strategic naval base, a safe line of communication for trade, or the protection of foreign investors, with little or no regard for the rights of other nationalistic groups?

Chief Justice Charles Evans Hughes has clearly stated the real issue:

Every nation has the right to independence in the sense that it has a right to the pursuit of happiness and is free to develop itself without interference or control from other states, provided that in so doing it does not interfere with or violate the rights of other nations.

NATIONALITY AND NATIONALISM

Nationality is the term commonly used to designate a group of people who speak the same language or closely related dialects; who cherish common historical traditions, and constitute a distinct cultural entity.

The people of the Philippine Islands have such nationality. They speak either the same language—English—or closely related dialects. They cherish common historical traditions.

The Filipino nation was born in 1896. At that time a well-organized revolution against the Spanish intruder upon their nationalism gave evidence of a perfectly healthy birth. The Filipinos organized a government of their own under a chosen leader. It functioned satisfactorily to a majority of the people. Then came the American soldier and took possession. Filipino nationalism again resented the intrusion. A war followed, one of the bloodiest in history, a war between former friends and allies. Two wars then made of the Filipinos one people, a nation, a nationality. Their nationalism was crushed, but not destroyed. To-day it is alive, active, insistent.

However, their nationality defies all classification. A Filipino is the subject of the Government of the United States and entitled to its protection abroad. Yet, when he comes to the land of his protector, he may be bludgeoned for doing so; and strong efforts have been made and are being made to keep him out altogether.

If ever a country had a nondescript status, it is the Philippine Islands. It is not a territory; it has not dominion status; it is not self-governing. Apparently it is only a "possession." The Filipinos are simply our "wards." Even the Commissioners from the Philippine Islands have a peculiar status. The Commissioner from Porto Rico may introduce bills in Congress and have them enacted into laws; but the Commissioners from the Philippines have no such rights. Must not these Filipino men feel that they are merely "Commissioners" representing "wards" in our Philippine "possessions"?

NATIONALITY AND CULTURE

The group that constitutes, or thinks it constitutes, a cultural entity has nationality and nationalism. The Filipinos constitute such a nationality. They have an ancient culture that antedates the coming of the Spaniard. They added the Spaniards' culture to their own, and then for 30 years they absorbed both the good and the bad of our own American culture. It is the fear, however, that they shall absorb more of the bad than the good of our western culture that makes them demand a separate national existence. They do not want our kidnaping, our gangland, our divorces, our bootlegging, our political graft, our economic failures.

NATIONALITY AND LANGUAGE

The language factor is one of the most obvious elements of national unity. Has a people anything dearer than the speech of its fathers? In its speech resides its whole thought domain, its traditions, history, religion, and basis of life, all its heart and soul. "To deprive a people of its speech," says Herder, "is to deprive it of its one eternal good." Militaristic nations have not hesitated to destroy the language of subject peoples, impose their own, and then deny them self-government on the ground that they have no national language. This imposition of the conqueror's language has not created a community of thought and sympathy. The Irish speak English, but they have not become Englishmen in sympathy. The Italians have taught their language to the Tyrolese, have forbidden anything but Italian signs, yet the Tyrolese hate and despise the Italians. This effort to destroy another people's language is giving strength to the nationalistic movements of subject nations everywhere. Gandhi deplores it in India: "The strain of receiving instruction through a foreign medium is intolerable. * * * For this reason our graduates are mostly without stamina, weak, devoid of energy, diseased, and mere imitators."

In the Philippine Islands we have imposed our language. For 30 years the children have been learning English in the public schools. English is rapidly becoming their common language. One of the threadbare objections to granting the Filipinos their desired independence has been the propaganda of "no common language." This monster has been hit on the head by no less authority than W. Cameron Forbes, former Governor General of the islands:

Those who question Philippine capacity should look for arguments against it in other directions than that of language or tribal division.

NATIONALITY AND RELIGION

In addition to the linguistic amalgam, the people of the Philippines have a religious unity, for 92 per cent of the population is classified as Christian; only 4 per cent is Mohammedan.

NATIONALITY AND RACE

The Filipinos have been told that they are not ready for independence because they are not homogeneous and lack racial unity. Even D. R. Williams, an opponent of independence, admits that "the real Filipino, the Malay, comprises 90 per cent of the population." If, therefore, the "deepest thing about a man is his race," the people of the Philippines are 90 per cent of the best national cement. And, as former Governor General Forbes said, those who are looking for arguments against Filipino capacity for self-government will have to look in other directions than that of "tribal division" for objections.

NATIONALITY AND LOYALTY

Nationalism that springs from a decided nationality has been defined as a "passionate, undivided, unqualified loyalty to one's nation." It can not share that loyalty with any other. For this reason imperialism is creating a conflict of loyalties between one's own homeland and imposed sovereign or dominating power. It is difficult for the brown men, the yellow men, and the black men to understand why nationalism, patriotism, liberty are so good for the white man and so bad for them. The young nationals of England, France, Germany, and the United States are called "patriots." But in the Philippines, in India, Ireland, Korea they are labeled only "half-baked students." Their Jeffersons, Lincolns, Washingtons are "self-seeking politicians." If a George Washington rises in the white man's land to lead his people to freedom from a foreign yoke, he is honored with a bicentennial. If an Aguinaldo rises to free his country from alien rule, he is hunted like a common bandit and trapped by a questionable ruse. A Gandhi is clapped into jail. It is this attitude, says Elihu Root, that leads to war—this "contemptuous treatment," "bad manners, arrogant and provincial assertion of superiority on the part of the people of one nation toward those of another."

Recently Commissioner OSIAS was invited to address an American parent-teacher association. At the opening of the program the audience rose and sang "My country 'tis of thee, sweet land of liberty." And then they saluted the Stars and Stripes. When the Commissioner rose to speak, he said that he had been greatly impressed with the spirit of the song and the salute, and he could not help feeling a pang in his breast that he and his people can not sing with the same fervor, "My country 'tis of thee, sweet land of liberty," because theirs is not a land of the free, is not a land of liberty. They can not salute their flag as a free flag; it is a subject flag. They have no way of definitely determining what kind of loyalty or what kind of citizenship should be inculcated among the Filipinos. They can not teach their children the full duties of citizenship because they must always remember that theirs is a subject people, a subject citizenship. Could any American fail to appreciate the truth of the Commissioner's statement that on his country and on his people we have imposed this anomalous and humiliating condition?

INCREASING NATIONALISM

How long do we expect these intelligent, proud, liberty-loving people to submit patiently to this humiliation? How much longer will they be able to hold in check their own tempestuous and racial passions? "Nationalism in the Philippines," says a Filipino statesmen, "is no political watchword. * * * It is real; it was there when the Filipinos fought Spain; it was there when they resisted the implantation of American sovereignty over their country. And, instead of being checked, Philippine nationalism has been fostered by the United States when you assured them through President Taft that the Philippines are for the Filipinos, when your Congress assured them that they would be granted independence." Nationalism is in America and in Europe and in the Orient a rising power. It is unthinkable that this power, this world obsession—nationalism—shall continue to grow in the United States, in Great Britain, in Japan, in Germany, and not become more determined and more volatile in the Philippine Islands, in India, in Korea.

THE OUTCOME

What, then, must be the outcome? One shudders to think what is likely to be the outcome if imperialistic white man's nations persist in their contemptuous and arrogant treatment and "provincial assertion of superiority." We already see the mills of Great Britain practically still because of India's nationalism. We already see the riots and bloodshed in India and the unpleasant prospect of general slaughter. We have already had one war with the people of the Philippine Islands—one of the bloodiest wars in history. Let us not so act now that we shall visit upon our children and the children of the Philippines another bloody contest. For the sake of our own nationalism, if for no higher motive, let us respect theirs. But we have a higher motive—we have our national honor. We have definitely promised them independence. Let us now make good that promise in accordance with the wishes of the people of the Philippines, while they are still our friends. To-day, Commissioner Guevara pleads for a continuance of this friendship:

I ask you that the Filipino people be given independence, to the end that my people may be happy, helpful to the world, ever grateful to the United States, and champions of the eternal principles of justice for all peoples.

To-day, we who honor the Father of our Country because his name symbolizes that which is noblest in our national history, aspirations, and struggles—to live our own national life, independent and free—must make answer to the people of the Philippines who now ask us for the same God-given right. What shall we say to them? There has been, there is now, and there can be, but one answer—as we once would that others do unto us, so do we now unto you.

THE CRISIS CONFRONTING OUR FARMERS

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SELVIG. Mr. Speaker, we face a national emergency in the deplorable condition which exists among the farmers of our country to-day. I do not at this time desire to go into the matter in detail. The Members from the agricultural districts have knowledge of the facts, but I desire to state that our Government must take cognizance of the crisis which confronts our farmers. Devastating results will follow if prompt remedial measures are not enacted.

Among the many letters received from my constituents bearing on the acute depression among the farmers I wish to call especial attention to one received this morning from Mr. A. M. Dunton, a farmer living near Bagley, in my district. This letter strikes at the heart of the problem.

I read:

BAGLEY, MINN., *March 28, 1932.*

Hon. C. G. SELVIG,
Congressman from Minnesota, Washington, D. C.

DEAR MR. SELVIG: Everyone is watching closely the record being made by the present Congress. Everyone with whom I have talked feels that the immense sums of money being loaned to the railroads, banks, home-loan associations, etc., is as unrelated to our actual needs as were the huge loans made to England, France, Germany, etc., for reconstruction purposes.

It may have been necessary to bolster up these institutions temporarily in order to prevent matters becoming worse, but it is difficult to see how extension of credit without establishing conditions which will warrant its extension or its use is going to benefit matters.

In my opinion there are only three things which Congress can do: (1) Reduce the rate of interest; (2) lower taxes; (3) depreciate the value of money.

At the present time I need roofing, cement, paint, and fencing, etc., in order to repair my buildings and keep the farm in shape. But at the present time my interest, taxes, and other necessary expense takes every cent I can get hold of. If my taxes and interest were cut in half, that saving would be available for these purposes.

When hundreds of thousands of farmers in the same position go into the market for roofing, cement, paint, fencing, etc., that will give employment to labor, traffic for the railroads, etc.

When one stops to consider the total indebtedness of individuals, corporations, and municipalities, it is evident that this debt can never be paid with dollars of the present value. Creditors must accept a cheaper dollar in settlement or there must come a total repudiation of all debts.

These three propositions are fundamental and are the only basis upon which a new and permanent prosperity can be based.

I note with pleasure the increases in the income and inheritance taxes, and the defeat of the sales tax. Nothing would do more to overcome the intense dissatisfaction in this country as the passage of inheritance taxes so high as to prevent the accumulation of these huge unearned fortunes and their further continued existence and would restore to the people the wealth that rightfully belongs to them.

I note in the report of Woodrow Wilson's Commission on Industrial Relations that not more than $1,000,000 be allowed to pass to the heirs. Since the President of the United States' salary is $75,000, why should any person be allowed an income of over $1,000,000 a year?

Can nothing be done to stop this wholesale foreclosure of farms? Better a complete catastrophe than this cruel, helpless, hopeless dropping out, one by one? Can you suggest any possible form of organization by the farmers that will stay this destruction until some adjustment can be made? Have human beings no rights that the money powers can be forced to respect?

Sincerely yours,

A. M. DUNTON.

The Members of Congress must realize that a crisis impends. There is need for a bipartisan program of relief for the farmers. We have passed the bipartisan tax bill. It was necessary to do this. Congress heeded the call to pass other bipartisan measures advanced under the plea of national loyalty to American institutions.

In my opinion, we have yet to face and to remedy the greatest of our problems, that of rehabilitating our farmers. Unless this is done the efforts to bolster business, the banks, the railroads and in balancing the Budget will be of no avail.

Alexander Hamilton once said:

They ought not to wait the event to know what measures to take, but the measures which they have taken ought to produce the event.

The events which must be produced are the continuance of opportunity for employment, the placing of farm prices on a profitable level, and the return of prosperity.

Instead, our country has fallen headlong into an unwarranted depression. Up to the present time the fundamental measures to remedy our condition have not been undertaken.

If I understand Hamilton's philosophy correctly, he would have struck to avert this onslaught of the ravages of the depression. At the appearance of the first signs of financial distress he would have formulated quickly and surely the blows "to produce the event," that is, to create the conditions necessary and essential for a continuance of economic stability and prosperity.

In the light of present-day facts, it is absolutely necessary to deal constructively with agriculture. Our country must provide the only stable foundation possible for creating jobs, increasing consumption, and promoting general well-being, which is to place agriculture on a paying basis.

The foundation must be made secure. Nothing else will suffice.

KUNZ *v.* GRANATA

Mr. KERR. Mr. Speaker, I call up a privileged report from the Committee on Elections No. 3.

The SPEAKER. The gentleman from North Carolina calls up a privileged report, and, without objection, the Clerk will read the resolution.

The Clerk read as follows:

Resolved, That Peter C. Granata was not elected as Representative in the Seventy-second Congress from the eighth congressional district in the State of Illinois and is not entitled to the seat as such Representative; and

Resolved, That Stanley H. Kunz was elected a Representative in the Seventy-second Congress from the eighth congressional district in the State of Illinois and is entitled to his seat as such Representative.

Mr. SNELL. Mr. Speaker, will the gentleman from North Carolina [Mr. KERR] yield to me for a question?

Mr. KERR. Yes.

Mr. SNELL. I would like to see if we could make an agreement relative to time for the discussion of this resolution. It has been suggested that we have only one hour on each side. We feel over here that that would not be sufficient time for us to place our position in regard to this matter before the House, and we would like to have two hours on this side.

Mr. KERR. In reply to my friend I may say that I had an agreement with the gentleman from Massachusetts [Mr. GIFFORD], who filed the minority report in this matter, and who agreed that three hours, or an hour and a half on the side, would be enough; one hour and a half to be controlled by the gentleman from Massachusetts [Mr. GIFFORD] and one hour and a half by myself.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that debate be limited to three hours, one-half to be controlled by himself and one-half by the ranking minority member of the committee. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object in order that the gentleman from Massachusetts may ask a question.

Mr. GIFFORD. Mr. Speaker, I wish to say that the statement of the gentleman from North Carolina is correct. We did come to a sort of understanding that we might get along with one hour and a half on each side, but I find on this side of the House there are many who desire to speak. There are many issues involved here, and I think the gentleman ought to be willing to allow two hours on the side, and I sincerely hope the gentleman will.

Mr. SNELL. I may say to the gentleman from North Carolina that we have never unreasonably limited discussion in an election case. This is the most important matter that comes before the House—the right of an individual Member to a seat—and we feel there should be a reasonable time for discussion.

Mr. KERR. Mr. Speaker, I am willing to consent to that, and ask that the debate be limited to four hours.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that general debate be limited to four hours, one-half to be controlled by himself and one-half by the gentleman from Massachusetts; and at the end of that time the previous question shall be considered as ordered. Is there objection?

There was no objection.

Mr. KERR. Mr. Speaker, I ask unanimous consent that at the close of the debate the gentleman from Iowa [Mr. CAMPBELL] may offer a substitute resolution for the one that has been read.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that at the close of debate the gentleman from Iowa [Mr. CAMPBELL] may be permitted to offer a substitute resolution. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object—and I do not know that I shall object—I want to make this statement to the House. We intend to attempt to have the resolution divided. There are two substantive propositions involved, and we intend to ask for a division and a separate vote on each one. I would not want this unanimous-consent request to do away with that proposition.

The SPEAKER. The Chair does not know what the substitute is, and therefore can not give the gentleman any information.

Mr. CAMPBELL of Iowa. Mr. Speaker, the substitute that I shall offer is a substitute to recommit for the purpose of getting into the ballot boxes; and I would like to ask the gentleman from North Carolina if it would not be possible to include in this request that has been made to the House that I be allowed 15 minutes in which to present my substitute.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, of course, I do not know what is in the minds of my colleagues on the Democratic side, but this is a very unusual request to be made in connection with a contested-election case. Of course, I am not going to interpose my judgment against that of the gentleman from North Carolina [Mr. KERR] and his associates on this proposition, but I do suggest that it is certainly an unprecedented and very unusual issue to inject into a contested-election case on the floor of the House.

Mr. SNELL. I do not yet understand the object of it. I have never heard of a unanimous-consent request of this kind being made.

Mr. O'CONNOR. Mr. Speaker, reserving the right to object, in the report there are two resolutions, the resolution just read and another resolution on page 19, which is the one that is usually substituted. That resolution does not ask for any recommittal of the contest to the committee. It says, "*Resolved*, That Peter C. Granata was elected," and so forth.

My recollection is that the substitute resolution is offered at the beginning and both resolutions debated.

Mr. GIFFORD. Reserving the right to object, that seems to be the usual procedure, and I expect the minority side to offer the resolution, and with that a motion to recommit the whole matter might be in order at any time, and that would not remove from me an opportunity and the right to offer a motion to substitute my resolution for the majority motion at the proper time.

Mr. SNELL. When does the Speaker think would be the proper time to make a motion to recommit?

Mr. CAMPBELL of Iowa. Mr. Speaker, I wish to call the attention of the Speaker of the House to the case of Rinaker against Downing, and that is the procedure that I have adopted. At that time there was a majority and minority report. The minority report sent it back, recommitted it, for the purpose of obtaining the ballots and receiving additional evidence. I feel that the resolution that I will offer to recommit should come after the two resolutions that have been presented by the majority and minority. That was the arrangement I had with the chairman of our committee.

Mr. MICHENER. Mr. Speaker, what effect would the unanimous-consent request, with the previous question ordered, have on this proposed substitute?

The SPEAKER. There would be nothing in order except the resolution before the House.

Mr. MICHENER. Precisely. The unanimous request propounded by the gentleman from North Carolina was not the one the Speaker submitted—the Chair included that the previous question should be considered as ordered. If that is done, that would prevent the accomplishment of what the chairman of the committee and the gentleman from Iowa have obviously agreed to.

The SPEAKER. The Chair thought that in view of the fact that the majority side of the House had granted four hours of general debate that at least the previous question should be ordered, and the Chair put it in that way—in order to protect the House.

Mr. GIFFORD. I agreed, so far as I was concerned, that the gentleman from Iowa should have an opportunity to offer a motion to recommit. I did not believe that would interfere with the question before the House. If he offers a motion to recommit and it fails, the vote comes on the motion of the gentleman from North Carolina, and I should have the privilege of offering the minority substitute.

The SPEAKER. Does the Chair understand it is the desire of the Election Committee that the gentleman from Iowa have permission to make a motion to recommit?

Mr. KERR. It was.

The SPEAKER. Is it the desire at the present time?

Mr. KERR. It is.

The SPEAKER. Without objection, the previous question will be ordered on the motion, and the motion to recommit. Is there objection?

Mr. ESTEP. Mr. Speaker, the resolution has been offered by the majority, and I would like to know whether this is not the proper time for the minority to offer their resolution as a substitute, and debate will be had on both resolutions?

The SPEAKER. If the previous question had not been ordered it would be, but the previous question has been ordered, and there are to be four hours' debate upon the resolution.

Mr. SNELL. Mr. Speaker, we did not understand that if the previous question was ordered we could not offer a substitute motion.

The SPEAKER. The Chair is somewhat to blame, and he is trying to undo it by asking unanimous consent that the previous question may be ordered upon the motion to recommit as well as the resolutions.

Mr. SNELL. I want to have included in that, so that there will be no mistake, that the gentleman from Massachusetts has the right to offer his substitute to the committee resolution. Then we will have no objection to the motion.

The SPEAKER. Without objection, the proposed substitute will be reported by the Clerk.

The Clerk read as follows:

Resolved, That Peter C. Granata was elected a Representative to the Seventy-second Congress from the eighth congressional district of the State of Illinois.

The SPEAKER. Is there objection to the request that the previous question shall be considered as ordered on the motion to recommit as well as the resolutions?

There was no objection.

Mr. KERR. Mr. Speaker, I hope the Members of the House will indulge me for a few minutes while I endeavor to state the position of the majority members of the committee in respect to this contest. It is needless for me to say that we have come face to face again in the matter of this kind with the wisdom and the foresight of the men who wrote the Constitution of the country. It is always important, of course, who should represent 250,000 people in the Congress of the United States, but there is another factor which enters into this matter to-day which is equally important, and that is that we should vouchsafe to the electorate of this country in this republican form of government the privilege to vote as it pleases, and that we should further vouchsafe to them the right to have the ballots counted and to have a proper return of that count. Unless we do that it is self-evident that under this form of government we sink a shaft into the soul of this Republic, and so when these controversies arise we realize that it was wise in those who made the Constitution that they gave the Congress of the United States the sole right to determine the eligibility of a person to sit in this Congress, and to also determine whether or not he was properly and legally elected.

At the election held in November, 1930, the last general election, in the eighth district of the State of Illinois the people of that district voted for two men for Representative, Mr. Stanley H. Kunz and Mr. Peter P. Granata. Immediately after that election, and immediately after the tally sheets were checked in respect to the election, the canvassing board reported that Granata had received 1,366 majority. Mr. Kunz filed a petition before the canvassing board in which he alleged certain irregularities, and on the 20th day of November following, the canvassing board, which was constituted by the election commissioners of the city of Chicago and by the judge of the county court in Chicago, met, and after making certain corrections, determined that the majority which Mr. Granata had received was 1,171 votes. They evidently found there were some mistakes or some fraud incident to the first tabulation of the count.

On December 2 this report of the canvassing board in the city of Chicago was certified to the secretary of state of the State of Illinois, and the secretary of state very properly issued a certificate of election declaring Granata was elected Representative from the eighth congressional district. On the 9th of December following, in the first petition filed by the contestant with the canvassing board, he alleged that in 13 election precincts in the several wards in the congressional district he had received 1,285 votes less than the other Democratic candidates upon the ticket in that election in Illinois. Although he made other allegations, that was principally the ground upon which he made his petition for a correction of the vote, and he petitioned afterwards for a recount and a contest. After these votes were cast and tallied under this Australian ballot law under which the vote was taken, it was necessary, first, to compute the number of straight votes for the Democratic candidate and the number of straight votes for the Republican candidate. There was no other way to do, and there was no reason why any mistake should have been made about it. A straight Democratic vote or a straight Republican vote was a vote that was voted for every candidate on the Democratic ticket and every candidate on the Republican ticket. I call attention to 13 of these precincts. In ward 25, precinct 1, the straight Democratic vote was 62. Mr. Kunz was given only 12. In ward 26, precinct 1, the straight Democratic vote cast for every other candidate on the Democratic ticket was 121, and Mr. Kunz was given only 78. In the second precinct of ward 27 the straight Democratic vote was 138, and Mr. Kunz was given only 23.

In the twenty-seventh ward at the tenth precinct the straight Democratic vote was 316, and Mr. Kunz was given 5, and so on, gentlemen, down the line for 11 precincts that have been culled out, and on which Mr. Kunz bases his motion and petition for a recount and on which he bases his contention in this contest to-day. In those 11 precincts it is shown that Kunz was deprived of 1,285 votes.

It is contended by the minority, gentlemen, that there was not sufficient evidence for Kunz to bring this contest. The majority of your committee thought otherwise, because, evidently, there are 11 precincts where Kunz was deprived of enough votes to overcome the majority of the contestee.

I think this House wants some explanation of that. I think this House ought to have some explanation of it, and I think this House would be unwilling to let the contestee prevail in this contest when it was clearly shown that in many of these precincts the contestant was not given the straight Democratic vote. So, gentlemen, we insist and contend that this evidence within itself, per se, was sufficient for the contestant to bring a contest and ask that these votes be counted and the ballot boxes opened to determine who was right, whether the election officer was right or whether he was wrong. He had evidently made a return that was entirely incompatible with the law and an impossibility.

So, gentlemen, following the statutes, which it is not necessary for me to read to you, Kunz, contestant, on the 9th day of December, filed a petition and filed a notice of contest alleging many irregularities, alleging many frauds, and alleging the condition which I have recited to you in these 12 precincts.

Any good lawyer knows that is sufficient evidence to open up the question of fraud, and any good lawyer knows, further, that the only way to determine whether or not there was fraud was to go into the ballot boxes, look at the ballots, and count them.

So, gentlemen, on the 9th day of December Kunz filed a petition and notice of contest. Within 30 days thereafter the contestee made his answer. He took all the time that the law would allow him. Before I sit down I will call your attention to the fact that this case has been continued and continued for more than nine months through the tactics of the contestee and his attorney.

At the first retabulation, the canvassing board had no right to recount; I call your attention to this fact, that under the law the canvassing board can not recount. The canvassing board can only check the tally sheets and see if they are correct. That is as far as it can go.

Following the rules of the House, gentlemen, on the twenty-first day after the filing of the answer by the contestee in respect to this case, and following the rules laid down by the Revised Statutes, which were passed just for conditions of this kind and were passed in order that this House might have a representative to take evidence in a case; on the 21st day of January the contestant appointed as notary public to take evidence, Edward H. Hoffman. I wish you gentlemen had time to read the record in this case. I do not think I ever read after a man who showed more patience and who was more desirous of getting at the facts in the case than Hoffman was. I read you section 110 of the Revised Statutes of the United States, which gave Mr. Kunz, the contestant, the right to designate this man Hoffman as his notary to take this evidence.

SEC. 110. When any contestant or returned Member is desirous of obtaining testimony respecting a contested election, he may apply for a subpœna to either of the following officers who may reside within the congressional district in which the election to be contested was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any mayor, recorder, or intendent of any town or city.

Fourth. Any register in bankruptcy or notary public.

Let me say to you, gentlemen, that in all the history of these contests nobody has ever been designated to take evidence except a notary public. It is contended by the minority members of this committee, gentlemen, that the notary public did not have authority to take this evidence. It is seriously contended he did not have that authority.

Here is one of the best-considered cases that has ever been before this House, and I think the best opinion that was ever written in one of them. It was in the Rinaker-Downing case. It is cited in the briefs of both the contestee and the contestant, and it is used by both as authority for their position. I want to read to you, gentlemen, a paragraph or two from this case to show you that it was clearly within the right of the notary public to take this evidence and that he was a Representative of this House.

I want you to remember this: Here was an agent of this Congress constituted by the law of this land to take this evidence, and nobody else could take it.

When any contestant or returned Member is desirous of obtaining testimony respecting a contested election he may select a notary public. And then section 111 says:

The officer to whom the application authorized by the preceding section is made (the notary public) shall thereupon issue his writ of subpœna directed to all such witnesses as shall be named to him requiring their attendance before him at some time and place named in the subpœna, in order to be examined respecting the contested election.

Then section 123 provides—listen to this, gentlemen:

The officer shall have power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver certified or sworn copies of the same, in case they may be official papers, such person shall be liable to all the penalties prescribed in section 116 (of the Revised Statutes). All papers thus produced and all certified or sworn copies of official papers shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

This is what the distinguished gentleman who wrote this opinion thought of this, and this is accepted law, not only in this House but out of this House, and in the State of Illinois, in respect to the authority of the notary public to count the ballots and take all the evidence incident to the case.

Mr. GIFFORD. Will the gentleman yield?

Mr. KERR. I yield.

Mr. GIFFORD. I simply want to suggest that the minority has not objected to that statement of the gentleman about the bringing of papers.

Mr. KERR. Not at all. Of course, the gentleman has not objected. It is the plain mandate of the law.

Mr. GIFFORD. If the gentleman will permit me to go further, we did object, simply, that the ballots were papers.

Mr. KERR. I understand. The gentleman contends that "papers" did not include ballots.

Mr. GIFFORD. Exactly.

Mr. KERR (reading):

The notice of contest is required to be served within 30 days after the result of the election shall have been legally determined. The answer to such notice must be made within 30 days.

There is no question about the notice and the answer. They were properly in. I called your attention, gentlemen, to the fact that the contestee pursued his dilatory tactics—under the advice, doubtless, of his lawyer—and took all the time he could to answer; but the answer was made within the time, just as the petition and the notice were served within the time.

I want you gentlemen to hear this law, because the minority in the committee are insisting that the notary public did not have authority to take this evidence and count these ballots, and you have heard one Member—who, however, did not sign the minority report—insisting upon his right now to have this matter resubmitted and to have this House authorize some agent of the House to count these ballots again.

With that point in mind, listen to this:

The contestee by his bill in chancery seeking the injunction—

This was a case very much like ours, in which, when the notary public was appointed in the Rinaker-Downing case, these ballots were held up by an order of the court, just as they were in this case. In the Rinaker-Downing case they were not held up very long, but in the Kunz-Granata case, gentlemen, they were held up nine months and one day by the court. The whole procedure was in the lap of the court in custodia legis.

The contestee by his bill in chancery seeking the injunction, by direct language, insists upon such a construction of the statute of Illinois—

They were attempting to construe the statute of Illinois to defeat the plain mandate and statute of the United States, and I want you gentlemen to hear this—

restraining the opening and counting of the ballots as shall bring that statute in direct conflict with the statute of the United States—

That is what they were insisting upon—

and which latter statute plainly and clearly gives to both parties to an election contest over the seat of a Member of the House of Representatives the right to select any one of the officers mentioned—

And I read the law to you in the Federal statutes—

before whom to take the testimony and clothes that officer when so selected with the full power to require the production of any paper or papers pertaining to the election or to produce and deliver up certified or sworn copies of the same in case they may be official papers.

In view of the plenary and clear terms of the Federal statute, it is the opinion of the undersigned that the statute of Illinois should be construed to mean that where the ballots cast at any election for Member of the House of Representatives are called for by a subpœna duces tecum issued by a notary public, selected under sections 110, 111, and 123 of the act of Congress regulating the contests of seats in the House of Representatives, the notary so selected fully represents the House of Representatives—

The notary public is the agent of this House, constituted with all the authority this House can delegate to him to take the evidence in the case, including the counting of the ballots and—

to him is delegated the power of procuring and reducing to written form such evidence as the ballots may contain so as to comply with the obvious intention of the State statute, inasmuch as it is obviously impossible for the ballots in a contested-election case in the House of Representatives to be opened "in open session of such body, and in the presence of the officer having custody thereof."

The powers conferred by the Federal statute upon the notary public, or officers mentioned, to call for and enforce the production of all the papers pertaining to the election are full and complete and render such officer to that extent a "body trying such contest" to the extent of his obtaining and recording the evidence in the case. That is plainly and clearly the meaning and effect of the act of Congress, and the State statute should be construed as to be in harmony rather than in conflict therewith.

To construe the State statute so as to prohibit the notary or other officers taking the testimony in a congressional-election contest from obtaining the evidence contained in the ballots would be to give the State statute the effect of repealing or nullifying the Federal law regulating congressional election contests. Congress has the power to regulate the taking of testimony in case of a contest of the election of any Member of the House of Representatives. That power has been exercised by the enactment of the statute above quoted, and when in conflict with its provisions all conflicting State statutes or decisions, to the extent to which they do conflict, must be held to be nugatory and void.

In other words, gentlemen, there can be no doubt in the mind of any lawyer that he was vested with full authority under the law to take the ballot box and make a report of the facts they found.

In the first place, it was necessary in order that this irregularity or these frauds, which were palpable, might be adjudicated and determined and, if necessary, to go into the ballot box and see whether Kunz got straight votes or whether he did not. You know very well it was not a straight vote unless Kunz got it.

Now, I want to call attention that when the officer of this House designated by Kunz had gone into the ballot boxes, Granata, after they had been investigating three or four days, put in an officer, a notary public. There was not a second during the controversy, after the matter came up before six judges, and before one judge 12 or 15 times—there was not a single minute but that Mr. Granata appeared by notary public and his lawyer, and himself on many occasions, to see that the ballots were counted properly.

The members of the minority contend that this was not a correct count. This is the only count that the agent of this House has set up here. He had authority to do it under this statute, and he had the right to make the count and make the returns on it.

This count, when the ballot box was opened, was made and returned by Mr. Hoffman, but that in no sense precluded Euzzino, the notary public selected by Mr. Granata, to also take evidence and make his return to you here. The only conclusion is that Hoffman made a correct count, and Euzzino did not think it was necessary to make any return, because he did not make any return.

So after the ballot boxes were opened, after nine months of contest in the courts of Illinois, that count showed that Mr. Kunz had received a majority of 1,288 votes.

Each ballot box was opened in the presence of not only the notary who sent the report to this House but they were opened in the presence of Granata's notary, who had a right to send his report here, but did not do it. The report shows, as I have said, that Mr. Kunz received a majority of 1,288 votes.

Mr. NELSON of Wisconsin. Were the ballots with Mr. Kunz's name on it the regular ticket?

Mr. KERR. Yes. I call attention to the fact that Kunz's majority, as afterwards returned, was about the number he lost in the precincts heretofore referred to.

Mr. CHIPERFIELD. Will the gentleman yield?

Mr. KERR. I will.

Mr. CHIPERFIELD. Was the majority made apparent from the recount of the ballots?

Mr. KERR. It was—a recount made in the presence of Mr. Granata and, furthermore, a recount made in the presence of his notary, who was there at all times.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. KERR. Yes.

Mr. SCHAFER. Does the majority of the gentleman's committee take the position that an Election Committee of Congress or a notary acting for Congress should open up and count ballots in an election contest on no stronger evidence than an allegation that a candidate ran behind his ticket?

Mr. KERR. There is no such allegation as that. A majority of the Elections Committee thinks that when it is apparent that in 11 precincts the contestant has received 1,285 votes less than the other Democratic candidates it should be done.

Mr. SCHAFER. Then, the position of the committee is that an Elections Committee of the House should follow the precedent of counting the ballots either by an Elections Committee or by a notary, as the gentleman said, on no stronger evidence than an allegation that a candidate ran behind his ticket. That is a terrible precedent to set, in my judgment.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. KERR. Yes.

Mr. McCORMACK. Do I understand that every one of these ballots were retabulated?

Mr. KERR. Every precinct box was opened and retabulated in the recount.

Mr. McCORMACK. And after the retabulation the representatives of the sitting Member were present and had an opportunity to protest or enter in the record any irregularities?

Mr. KERR. They were there all of the time, with not less than three there at any time, and it was done in the presence of his own notary.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. KERR. Yes.

Mr. COX. I notice in the report of the gentleman's committee that the total vote in the first count was 31,859, and in the second count it is 31,402, a difference of 457 votes. Is there any explanation made to your committee in respect to that discrepancy?

Mr. KERR. Yes; that discrepancy was due to the fact that in this keen contest as to who got this or that vote a great many votes were contested as doubtful and counted for neither one.

Mr. COX. Another thing I would like to question the gentleman about is if any explanation was made to his committee as to why the contestant abandoned certain grounds of his contest. In other words, in the original contest as filed he predicated his claim upon the allegation that gunmen and a lawless element took charge of the election.

Mr. KERR. The gentleman is a good enough lawyer to know that these things that are always controversial sometimes are left out of a case. The proper thing to do, as the contestant did here, was to insist on those things that were palpably wrong being righted.

Mr. COX. That was the allegation, however, and it occurred to me that maybe in the hearings of the gentleman's committee some explanation was given as to why those grounds were abandoned.

Mr. MILLARD. Mr. Speaker, will the gentleman yield?

Mr. KERR. Not now. I want to call attention to this matter now and give you the reason why evidence was not taken in this case sooner. Immediately after Kunz signed his notice of contest the attorney for the contestee, appearing for him and other contestants in this election, got an impounding order from the county judge of the city of Chicago, and when these officers prepared to count the ballots they were faced with the statement of Mr. Tyrrell, who represented Mr. Granata, that he had the ballots impounded. It took from the 23d day of January to the 11th day of September before the contestant could ever get into the ballot boxes and count the votes and see who did have a majority. There were 32 continuances. This matter was brought up by the contestant before six judges in the city of Chicago, and five out of six of those judges held that the contestant was entitled under the law to count the ballots and dismissed time and time again proceedings which were instituted with the endeavor to keep the ballot boxes out of the hands of this Congress and its representatives. I have not time to discuss that, but gentleman who will follow me will do so.

Our friends object to this House receiving this count as final because they say that the integrity of the ballots was not preserved. I make this comment in passing, that the election laws of the State of Illinois are very good. They

will convince anyone that unless there is some design and purpose to commit a fraud it is hard not to have a fair election. When these ballots were cast they were put in charge of Mr. Rusch, who was the clerk of the elections commissioners in the city of Chicago. It is quite evident that Mr. Rusch is a man of fine sensibilities and fine character. When these ballot boxes were opened Mr. Rusch was called before the committee to test the integrity of them. The minority can not insist with any sort of reason that these ballot boxes were not kept intact and that the integrity of them was not vouched for by Mr. Rusch. Mr. Lavery, who was the attorney for the contestant, said to Mr. Rusch, who was the witness:

Will you state whether as custodian of the ballot boxes and chief clerk of the election commissioners you have kept and preserved these precincts other than six in the same condition as they were when you received them as such official the night of the election.

Six of these ballot boxes had been taken out by the court and looked into by the court in respect to a judicial contest.

Mr. Rusch said:

Yes.

Q. And where have these ballot boxes other than the six been kept by you as such official?—A. On the third-and-a-half floor.

Q. Have any of these precincts other than the six been removed from the box where they were kept since the election of November 4 until this day?—A. No, sir.

Q. Not one of the ballot boxes?—A. No, sir.

Mr. HORR. Will the gentleman answer a question now, because if he does not it will never be answered? On page 11 of your report I call attention to the fact that the gentleman's statement is wrong or your report is incorrect. It calls attention to the fact that at the original hearing Doctor Epstein brought out this fact, and I am quoting from your report:

Those ballots are not in the box, nor in an envelope, not tied with string, or sealed. We object on the grounds that the integrity of the ballots has not been preserved, and renew our objections made before that they are not protected, as required by law.

Going further, and I am reading from your report——

Mr. KERR. The gentleman is reading from the minority report, not my report.

Mr. HORR. It is taken from the direct report, the report of the original hearing.

You have produced a large bundle of official candidate ballots in the nineteenth precinct, twenty-seventh ward, which are loose and not wired; where did you get these ballots from?

Mr. KERR. I can not yield further. I understand that Epstein objected and asked where these ballots came from.

Mr. HORR. And he said they were brought in without string and were absolutely loose.

Mr. KERR. But that was not Rusch's testimony?

Mr. HORR. That is in the record.

Mr. KERR. But here is the record of the man who had the ballots, which I have read to you. So far as Epstein is concerned, he was the professional objector of the contestee. He objected to every vote in every ballot box before it was opened.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield myself two additional minutes.

Now, gentlemen, in conclusion, we insist that there was evidence of deliberate fraud in this election. We insist that the only way to find out whether there was fraud or not was to go into the ballot boxes, and after nine long months the contestant in this case got into the ballot boxes, and when these ballots were counted, in the presence not only of Kunz's representative but of Granata's representatives, it was shown by the agent of this House, by the one who was authorized to act for the House, that Kunz had received 1,266 majority in this election.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. KERR. Yes.

Mr. SCHAFER. Has the gentleman found any precedent whatever to indicate where a so-called agent of this House, a notary public, ever counted ballots in an election contest?

Mr. KERR. I have found after long observation and industry that that is the only way a notary public can bring the evidence back to the House.

Mr. SCHAFER. Can the gentleman cite an election case in this House where a notary public issued subpœnas duces tecum and then counted the ballots?

Mr. KERR. Oh, yes. Does the gentleman want me to tell him?

Mr. SCHAFER. Yes.

Mr. KERR. In the cases cited by the minority in their report. In Gartenstein against Sabath; in Parillo against Kunz, and Rinaker against Downing.

Mr. DOWELL. The gentleman is mistaken about the Gartenstein-Sabath case. His statement is incorrect. It is just the opposite.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, I congratulate the chairman of this committee on the presentation of this case. It seems plainly evident that he was sincere in his own opinion.

This should not be a question of politics. It should be a question of orderly and proper procedure. If you seat Mr. Kunz to-day you will establish a precedent that will trouble all future Congresses and every Congressman who may hereafter ever be threatened with a contest. If any contestant wants to fight for your seat all that it will be necessary for him to do will be to appoint any certified notary public to act no matter who he may be, no matter what his character, no matter whether he be a political enemy of yours or not, as was shown to be the case in this instance, where the notary was the chairman of a precinct that was almost unanimously against Mr. Granata. Some one who would take orders absolutely from the attorney, so that when the time came to take testimony he took only such testimony he wished, namely ballots. Think of it! Under such precedent any contestant could select his own notary public and demand the ballots, have a recount, and, if you please, have a "mob recount." This was a mob recount in every sense of the word. Anyone can read this record and find that it speaks for itself. It is the worst by far that has ever been presented to any Congress. Ask your clerk, who has been here for many, many years. He tried to pick out of this record the proper portion to print, but it was finally determined to put it all in the record. They even have in the record the canvassing board's return. That is no place for it, but they are basing their argument on the canvassing board's return.

For many years we have tried to have orderly procedure in this House, and because we demanded orderly procedure, Mr. Kunz was previously seated here by a Republican Congress; Mr. SABATH, a Democrat, was seated by a Republican Congress; and in the Rinaker-Downing case, so constantly referred to, who got the injunction but our Mr. RAINEY? It was a very proper procedure. The court overruled that case and said these ballots ought to be given over, to be sure; that they were a part of the evidence, but the court did say, "But do it almost at your peril because this is a matter that the House of Representatives only will determine, and it can throw it all aside." It did.

While they have, as the gentleman from Wisconsin says, these two cases where the ballots were counted, once by agreement, this House determined that that was not the proper procedure, and it seated the other party.

All through this case our rules and our statutes have been constantly violated, and yet they are trying here to be excused from that. We say, "Give your notice in proper time to the contestee; do not surprise him; tell him everything which you expect or hope to prove; name to him all the witnesses you are going to call; and then give him 30 days to file his answer. Then you shall immediately begin to take the testimony, and you must take it in 90 days. Do not postpone it."

A Congressman is elected for only two years. If a special session were being held a contest ought to be promptly decided. Do not pay two salaries any longer than you can help, and live up to this rule.

The laws of 1851 and 1875 should be, and have been considered absolute, in spite of the fact that any Congress can change the law or can accept a different arrangement if it so pleases; but we have got to have some statute to go by, and we have got to have rules so we will know how to proceed, and the integrity of these statutes ought to be held up here to-day.

What a crime it would be if we overlook the present laches, in the light of what we have for so long been trying to do. I beg of you that you do not excuse them to-day. Why did the notary not take the testimony within the 90 days? Because Mr. Granata had impounded the ballots? No; that was done in another contest entirely. This Mr. Tyrell, the attorney for Mr. Granata, happened to be the same attorney in both, but it was an entirely different case in which the ballots were impounded. They went before Judge Jarecki many times, and he kept saying to them in effect, "Why don't you ask in a proper manner that this impounding order be modified?" They never did it; and when, finally, he did modify that order after these many, many months—six months—do you wonder that Mr. Granata did not seek to have those ballots again impounded? Would you, when you knew who the notary public was and that they were going to take no testimony—but simply wished to get hold of the ballots?

The ballots are the best evidence, they say. They are theoretically the best mute evidence, but they are the worst—by far the worst—when any opportunity has been given to let them be tampered with. On the day when the recount began they brought in these boxes and merely said, "Is that hemp string wound this way or that way; is it tied; is it sealed; and are those flaps pulled over, and are they sealed?" They thus tried to identify those boxes as they came in.

Read your record made by the contestant's own notary public. Box after box came in which looked as if it had been tampered with—not sealed, with flaps opened—so that any one could reach in and take out the ballots. Box after box came in in that way, and yet they say the ballots are the best evidence. I repeat, such is the case only when they have clearly not been tampered with. Would you not have demanded, if he was contesting your seat, that the ballot boxes must be securely tied and properly sealed with the flaps down? You would want to know, I am sure, that absolutely no opportunity had been given for them to be tampered with.

In one instance there were only 138 ballots in the box, and the question was asked, "Where are the others?" "Well, we do not know." "Can you not find them?" They finally found them somewhere in some warehouse.

Oh, such a record is absolutely ridiculous. They say that Mr. Granata had a notary, too. Yes; he came in a day or two after the hearings were supposed to be held, and the lawyer immediately stated that he was not there on the first day, so that he could not certify to any of the record and he would not recognize him. But he was there during the recount, and when I asked the attorney if Mr. Euzzino was a person of real character, upon whom you could depend, he said, "Yes," and paid him a very high tribute.

Then you should read Euzzino's story of the recount. This is not taking it up exactly as I would like to take it up, but please read the story of the notary public appointed by Granata and the treatment that he received during the recount. The record gives proof of what it was like.

At every session there was great milling about, boisterous arguments, with no semblance of order; no attempt to maintain it. They could not get close enough to the table to see how the ballots were being counted.

I can not read more to you, but the record discloses a terrible state of affairs.

Here a notary public was appointed to count ballots, but the State of Illinois says, "No; you shall not count any ballots except in the presence of the court itself." Of course, it was done by authorized agents, but here were 50 or 60 people—a regular mob. When they were told that the contestee wanted to see the ballots, as, of course, he had a right to do, they brought in a few boxes.

Now, this matter has been rushed through for some reason which is hard to understand. It is being heard a week before the primaries are to be held in Illinois. I can not understand why they have hurried so.

Ladies and gentlemen of the House, I have spent weeks on this matter, reading this record far into the night. If you read it you will find that they brought in the ballot boxes and laid them on the table. Ballots were counted in such a manner that anything could have been done to them.

Mr. PARKS. Will the gentleman yield?

Mr. GIFFORD. No; I can not yield now.

Mr. PARKS. I do not blame the gentleman.

Mr. GIFFORD. I regret that my voice does not serve me sometimes. I get too earnest. I did enjoy the work in the committee and I did follow the testimony in the committee.

Mr. TARVER. May I ask the gentleman a question for information?

Mr. GIFFORD. Yes.

Mr. TARVER. In view of the motion by the gentleman from Iowa [Mr. CAMPBELL], who is going to move to recommit the matter to the committee in order that there may be a recount by the committee, I want to inquire what possible benefit, in view of the statement the gentleman has made, that the record discloses of the condition of the ballot boxes—I want to ask whether any benefit would be derived by an attempt on the part of the committee to make a recount?

Mr. GIFFORD. I say I do not know. Last year, in the case of Mr. Wurzbach, when there was ample evidence taken at the proper time, and absolutely no need of a recount, at the request of the minority, they were sent back——

Mr. TARVER. But in that case there was no question, and here the gentleman says they were unsealed.

Mr. GIFFORD. I did not say that. The gentleman is putting the words into my mouth.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. BANKHEAD. In whose custody, ad interim, between the time of the contest and the final count, were these ballot boxes?

Mr. GIFFORD. They were supposed to be in the hands of the clerk, Mr. Rusch, but it is shown in that record that other people had access to them.

Mr. BANKHEAD. Were they in his custody?

Mr. GIFFORD. They were supposed to be.

Mr. DE PRIEST. They were in the custody of the election commissioners.

Mr. GIFFORD. I can not yield any further. Others will talk about these details. I said that I would try to present the issues in the case. No testimony was taken. They demanded the ballots. The contestee could also have demanded the ballots and had another recount, and then would they not have been in splendid condition to send to your committee to examine? That is all he could have done in taking testimony. So he rested his case by declaring that the whole thing has been illegal from beginning to end. They talk to you about the straight ballots. The records show that Senator LEWIS got a tremendous vote in the same precincts where Granata got a tremendous vote, and in very few instances were there any straight ballots. The record shows there were very many ballots in some precincts marked straight Democratic, but with a mark opposite the name of Mr. Granata, and that those were put in with the straight ballots and listed as straight Democratic ballots for the time being.

But that is a matter for the Illinois delegation to talk about, and not for me, but I do say that we should follow the laws of the State of Illinois when we can. Think of your judge saying, "Oh, yes; in the matter in Illinois they could only be counted in the presence of the court." Yes,

but it is good enough for the Congress to say that a Federal officer can appoint anybody, such as a notary public, and count them in that manner. There are many other issues. The important one to me is that the notary public should have had such enormous power as that delegated to him. It is unbelievable. You should also consider whether the ballots are "papers." The law says that they shall subpœna all of the "papers" and seal them and carefully send them all here. It is inconceivable that ballots may be considered as such, sealed and all sent by mail here to the Clerk of the House of Representatives. That is a matter for you lawyers to settle, and I am not going to take up time on that subject.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. MAY. Is it not a fact that a notary in the State of Illinois is a commissioned officer under bond and under constitutional oath?

Mr. GIFFORD. Yes; but he could be the chairman of a Republican precinct, and he could be one of the meanest election officers and one of the most prejudiced.

Mr. MAY. Could not a Member of Congress be the same?

Mr. GIFFORD. I suppose he could be mean if he wanted to, but he could not be elected.

Mr. SCHAFER. Did this notary public transmit the ballots to the gentleman's committee?

Mr. GIFFORD. No.

Mr. SCHAFER. If he is supposed to transmit to Congress all the "papers" and testimony, why did he not transmit the ballots if the ballots were "papers"?

Mr. GIFFORD. The point is well made. I shall close by saying that Mr. Kunz made plenty of allegations in his contest. He said that there were gunmen who took possession, that they were forced to write down a hundred votes here and a hundred votes there, and that money was spent freely, but on the day it came to take testimony never a word of that was said. Never was there a case presented where so many allegations were made, with no testimony whatever taken. It is utterly ridiculous. How can we stand for it? I can not think for one minute that you believe that a notary public should be our only agent and that he should recount the ballots and then refuse to let a committee of the House of Representatives look at them. A strange case indeed. [Applause on the Republican side.]

Mr. KERR. Mr. Speaker, I yield 20 minutes to the gentleman from Texas [Mr. WILLIAMS].

Mr. WILLIAMS of Texas. Mr. Speaker and gentlemen of the House, I first shall read the law governing the holding of elections in Illinois, and I shall follow that up by proving that the straight ballots as indicated by the chairman of the committee on the recount gave the contestant enough votes to have a majority to justify this House in seating him. I quote from the election law of the State of Illinois:

> The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any, found folded inside of a ballot. And if the ballots and the poll lists still do not agree after such rejection, they shall reject as many of the ballots as may be necessary to make the ballots agree in number with the names entered on each of the poll lists—

In other words, before the judges are permitted to count the votes in the ballot box the number on the poll list must be the same as the ballots in the box—

> Said judges shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. Each of the judges shall examine the separate files which are, or are supposed to be, alike, and exclude from such files any which may have a name or an erasure or in any manner shall be different from the others of such file.

In other words, under the election laws the judges take the ballots and, according to the law, lay them out.

Quoting again from the law:

> When said judges shall have gone through such file of ballots containing the same names and shall count them by tens in the same way and shall call the names of the persons named in said ballots and the office for which they are designated, the tally clerks shall tally the votes by tens for each of such persons in the same manner as in the first instance.

The law provides that each of the judges shall examine these ballots and that they shall, after counting them, pile them up in stacks of 10—10 straight Democrats, 10 straight Republicans, the splits or scratches being in a different package. Here is a sample of the ballot in the election held in November under which this contest arose. Here is a straight Democratic ticket; here is a straight Republican ticket. The voter who wished to vote a straight Democratic ticket marked up here, and that is a straight ticket. If he wished to vote a straight Republican ticket, he marked in the Republican column; and those were placed, under the election law in Illinois, in stacks of 10; and then each of the three judges, under the law, was to look at each ballot and see if it was a straight ballot when they were counted in 10.

Then, under the law, the tally clerk did not necessarily have to check each one of these 10 ballots; but after the three judges had inspected them, then one of the judges announced how many straight Democratic ballots there were and how many straight Republican ballots there were. Then the tally clerks, with the one judge sitting and the two other judges looking on, would call off the splits and scratched ballots. Under the law, these straight ballots were counted out in piles of 10, as I have stated, and the scratches and the splits would be kept separate and totaled up by themselves. That is the operation of the election law of Illinois.

Mr. LAGUARDIA. Will the gentleman yield for a question?

Mr. WILLIAMS of Texas. Yes.

Mr. LAGUARDIA. Is there any provision whereby a person can vote a straight ballot in one column and vote for one individual in the next column?

Mr. WILLIAMS of Texas. It would not be a straight ballot in that case; it would be a split or a scratch.

Mr. LAGUARDIA. But that may be done?

Mr. WILLIAMS of Texas. A voter can vote in that way if he wishes.

Mr. LAGUARDIA. That is what I wanted to know.

Mr. WILLIAMS of Texas. Further answering the gentleman from New York, I exhibit a straight Democratic ballot and a straight Republican ballot. If the ballot is scratched, it is not straight; it is a split; and the law says that three judges of election shall inspect that ballot. The ballots were inspected and the returns came in, as indicated by the chairman of this committee, and the contestant, discovering that he had not been given the straight Democratic votes that the other candidates had been given in the various boxes in the eighth congressional district of Illinois, entered into this contest; and, again as stated by the chairman of the committee, for over nine months they fought it through the courts.

In precinct 1 of ward 25, where three judges had inspected the ballots and made the statement that the returns on the straight Democratic ticket were 52 votes and the contestant received 12, would you not think there was something wrong with the return? In precinct 1, ward 26, with 121 straight Democratic tickets, where the contestant received but 78 votes, is not that prima facie evidence that there is fraud and that the Democratic candidate on that straight ballot had not received fair treatment, or his name would appear in the column with the others who had received the straight-ticket vote in that election?

Mr. CHIPERFIELD. Will the gentleman yield for a question?

Mr. WILLIAMS of Texas. I yield.

Mr. CHIPERFIELD. Does the gentleman understand that in the State of Illinois the election judges return the number of straight ballots cast?

Mr. WILLIAMS of Texas. I beg your pardon. That was not my statement. I said that the election law of Illinois provided that the three judges shall inspect and lay the straight ballots in packages of 10.

Mr. CHIPERFIELD. That is true.

Mr. WILLIAMS of Texas. That was my statement.

Mr. CHIPERFIELD. But in making the returns in the tally sheet that would not appear.

Mr. WILLIAMS of Texas. That does not apply to all tally sheets. I explained the tally sheet.

Mr. SCHAFER. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. SCHAFER. The gentleman indicated that there was prima facie evidence in the testimony adduced by this notary public, representing the Congress. Was that prima facie evidence sufficient to warrant the opening up of the ballots?

Mr. WILLIAMS of Texas. What more testimony does the gentleman want that there is fraud when in 1,611 straight Democratic tickets the contestant gets 316; and in 817 straight Republican votes the contestee gets 3,379. What more evidence of fraud does the gentleman want?

Mr. SCHAFER. I sat on the Elections Committee. From what you are just telling us it does not follow——

Mr. WILLIAMS of Texas. I am not going to enter into an argument with the gentleman.

Mr. SCHAFER. But prima facie evidence of fraud must be something more than the mere fact that a man runs behind his ticket.

Mr. WILLIAMS of Texas. Does the gentleman from Wisconsin mean to imply that the facts adduced in this case show there is no fraud?

Mr. SCHAFER. I want to know whether we are going to be faced with an election contest just because a candidate runs behind his ticket?

Mr. HOLADAY. Will the gentleman yield?

Mr. WILLIAMS of Texas. Certainly.

Mr. HOLADAY. What is the basis of the gentleman's statement that there were a certain number of straight tickets in any particular precinct?

Mr. WILLIAMS of Texas. The returns of the officers of the election.

Mr. HOLADAY. Does the gentleman understand that in Illinois the returns of the judges indicate how many straight ballots there were?

Mr. WILLIAMS of Texas. No.

Mr. HOLADAY. Then what is the basis of the gentleman's statement that there were certain numbers of straight ballots?

Mr. WILLIAMS of Texas. The record proves that.

Mr. HOLADAY. What record?

Mr. WILLIAMS of Texas. The record of this recount. In precinct 25 the record shows there were 62 straight ballots. The contestant received 12 votes and on the recount it developed that he received 62 votes in addition to 11 splits.

Mr. HOLADAY. As I understand the gentleman there is no evidence as to the number of straight ballots in any precinct except the report of the notary public appointed by Mr. Kunz.

Mr. KERR. May I answer that question?

Mr. WILLIAMS of Texas. Yes.

Mr. KERR. There is evidence in every return made by every election officer in this election on the tally sheets, showing those which were straight votes and those which were scratch votes.

Mr. HOLADAY. Does the gentleman understand the Illinois law to be that the returns of the judges indicate how many straight ballots there are?

Mr. WILLIAMS of Texas. I can not yield any further. The gentleman can address the House in his own time.

Mr. HOLADAY. The gentleman yielded to the gentleman from North Carolina to answer my question, and I was listening.

Mr. KERR. Let me answer the gentleman.

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from North Carolina?

Mr. WILLIAMS of Texas. Yes.

Mr. KERR. I understand and assert that the returns made by the election officers show which were scratch votes and which were straight votes.

Mr. HOLADAY. As a Member from Illinois I am sorry that the chairman of the committee entirely misunderstands the Illinois law.

Mr. KERR. There is your tally sheet and the return made on it. Look at it.

Mr. WILLIAMS of Texas. I refuse to yield further. I will let the gentleman from Illinois address the House in his own time.

Mr. ARNOLD. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. ARNOLD. The gentleman from Illinois [Mr. HOLADAY] said there was nothing in the returns which would show what were straight ballots and what were mixed ballots. That is true so far as the judges' returns are concerned, but the tally sheets themselves show how many straight ballots and how many mixed ballots there are.

Mr. WILLIAMS of Texas. I understand that the tally sheets show that, and any man can see that if he can read.

Mr. HOLADAY. Show it to me.

Mr. WILLIAMS of Texas. Ten, twenty, thirty, and so on.

Mr. HOLADAY. That does not show it at all.

Mr. WILLIAMS of Texas. Certainly, it shows it.

Mr. MICHENER. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. MICHENER. The gentleman from Wisconsin said that this notary public had taken the evidence for Congress. I do not know anything about this case, but is there any law which permits a notary public to take evidence for the House?

Mr. WILLIAMS of Texas. That is the law of this House, passed in eighteen hundred and fifty something, and in the Sixty-eighth Congress, in an election contest, that right was recognized.

Mr. MICHENER. That may be recognized, but is there anything authorizing it?

Mr. WILLIAMS of Texas. The House recognized it when the Republicans were in the majority.

Mr. SCHAFER. Will the gentleman yield?

Mr. WILLIAMS of Texas. No. I will yield when I get through. I would like to explain this: In precinct 21 of the forty-seventh ward, the straight Democratic tickets were counted by the judges. The Democratic candidate for United States Senator received 320 votes, the Democratic candidate for Congressman at large received 270, Nesbit 269, and Kunz 51. The candidate for the Senate on the Republican ticket received 35 votes, Smith received 18, Yates 89, and Granata 307. There is no man of intelligence in the world but what will know there is something wrong with that return, and you can not defend it.

Mr. MICHENER. I have had worse than that in my district.

Mr. WILLIAMS of Texas. Not that discrepancy.

Mr. MICHENER. Yes.

Mr. WILLIAMS of Texas. All right; answer this question: Why is it that there is one of the election judges in jail for the limit of one year and about 20 of them under bond of $2,500 for fraud in this case? [Applause.] Answer that.

Mr. MICHENER. That is a different thing.

Mr. WILLIAMS of Texas. I know; it is very different.

Mr. MICHENER. But when a gentleman attempts to show that because an individual candidate——

Mr. BANKHEAD. Mr. Speaker, I rise to a point of order. The gentleman from Texas is entitled to yield to such gentlemen as he may desire, but when half a dozen gentlemen get up and point their hands at him it creates confusion in the House.

The SPEAKER pro tempore (Mr. JOHNSON of Texas). In order to avoid such confusion, the Chair would suggest that the gentlemen who desire the Member having the floor to yield, first address the Chair.

Mr. MILLARD. The gentleman asked if any Member on this side could answer his question, and several of us got up to answer.

Mr. WILLIAMS of Texas. I want to be courteous, but I can not cover this record and yield until I get through

with my statement. I shall then be glad to yield to any of the gentlemen.

In the minority report you will find the claim that the contestant objected to some 6,500 votes. The record shows that this recount began in the presence of representatives of both the contestant and the contestee, and there never was a minute that representatives of the contestee were not present.

With reference to the statement of the gentleman from Massachusetts [Mr. GIFFORD] about the ballot, there were only six boxes that had been opened, and they were opened in a contest over a judgeship, and the clerk of the commission swore—and it is in the record—that these ballot boxes were never out of his possession, and in the recount stated they were always under his supervision. The integrity of the ballot boxes at the time of this recount was not questioned, and that is one reason that I, as a member of the committee, do not care to go into them and recount them again, because their integrity may have been violated.

You understand that before this recount came they fought it out in the courts for nine months. They went to every court available in order to prevent a recount, and when Judge Jerecki gave them the order to recount, under the supervision of the commissioners, precinct 1, ward 20, gave contestant 2 votes and Granata 374. The recount gave the contestant 73 votes and Granata 229, or a gain of over 200 votes for the contestant.

Precinct 2, ward 20, gave contestant 57 votes and Granata 220, and a recount gave the contestant 72 votes and Granata 182, or a gain of 53 votes for the contestant. Understand that all of these were counted and the contestant was given credit for them by the recount and there was not a word of protest by the contestee.

Ward 20, precinct 3, gave Kunz 2 votes, Granata 351; and the recount gave Kunz 11 and Granata 279, a gain of 81 votes. Ward 20, precinct 5, gave Kunz 13 votes and Granata 245, and the recount gave Kunz 138 and Granata 199, or a gain for the contestant of 171 votes.

Ward 20, precinct 25, gave the contestant 3 votes and Granata 260, and the recount gave the contestant 15 and the contestee 228, or a gain of 46 votes.

Ward 25, precinct 1, the first count was Kunz 12, Granata 300; the recount gave Kunz 73 and Granata 229, or a gain of 132 votes.

It was developed in this count that 62 straight ballots that should have been credited to Kunz at that time—and the record will show that not until that time did the contestee question the validity of the ballots, but if you will look at the minority report, they are going to call your attention to the fact that he objected to 6,400 votes. There is one box where he objected to 11 more votes than were in the ballot box.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. NELSON of Wisconsin. Will the gentleman yield for a question?

Mr. WILLIAMS of Texas. Yes.

Mr. NELSON of Wisconsin. Do I understand there was a recount of straight ballots?

Mr. WILLIAMS of Texas. Yes; and splits.

Mr. NELSON of Wisconsin. And both sides were present with their attorneys?

Mr. WILLIAMS of Texas. Yes.

Mr. NELSON of Wisconsin. Who did the recounting—who specifically did the counting?

Mr. WILLIAMS of Texas. It was under the supervision of the notary public selected by the contestant under the law.

Mr. NELSON of Wisconsin. And they went along and checked up the recount?

Mr. WILLIAMS of Texas. Yes. And after they counted eight or nine boxes, and it developed that the contestant was eight or nine hundred votes in the lead——

Mr. PARSONS. Was the notary public for the contestant and the contestee present?

Mr. WILLIAMS of Texas. All the time; and not only the notary public, and the contestant, and the contestee, but his brother and his friends; and they used every effort possible to prevent a count after it had reached the place where the contestant was gaining; they did everything in the world to intimidate and prevent the recount.

Now, let me give you another thing. In ward 43, precinct 27, the returns showed a straight Democratic ballot laid aside by the three judges. They were inspected by three judges, and they laid aside 200. Straight Democratic was 43. That is verified by the tally sheet. You can look at the tally sheet and see how many straight ballots were cast for both parties, and how many split. With 200 straight Democratic ballots the contestant received 27 votes. With 43 straight Republican ballots, the contestee received 270 votes.

The recount gave the contestant 195, and the contestee 83 votes, a gain for the contestant in one box in the eighth district of Chicago of 355 votes.

And then you talk about decency. This judge, who did the job, is serving a term in jail, the maximum penalty of one year, and there are 20 or more who are under bond for $2,500 for fraud they committed in this election.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. CHINDBLOM. Does the gentleman know that this judge of elections was not convicted of any fraud in this district, but in another district.

Mr. WILLIAMS of Texas. Then the record is wrong. But I am not going to get into a colloquy with the gentleman. I hope that the gentleman from Texas is just as anxious to do the right thing as is the gentleman from Illinois.

Mr. CHINDBLOM. I have no doubt of that.

Mr. WILLIAMS of Texas. I want to do the right and proper thing, but I say that any congressional district that would permit the irregularities and frauds and corruption that was evidently committed in the eighth district, according to this record, ought not to be defended.

Mr. CHINDBLOM. Will the gentleman yield further?

Mr. WILLIAMS of Texas. Yes.

Mr. CHINDBLOM. I want to say to the gentleman that I was in San Antonio and saw the thievery, and the results that were achieved there by the judicial officers.

Mr. ALLGOOD. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. ALLGOOD. Under the law of Illinois, are not the judges both Democrats and Republicans?

Mr. WILLIAMS of Texas. Yes; and the law says that every one of the straight tickets must be inspected by the judges.

Mr. DE PRIEST. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. DE PRIEST. Does the gentleman realize the fact that the judges, both Democrats and Republicans, of this election were appointed in a Democratic county?

Mr. WILLIAMS of Texas. That is the trouble.

Mr. DE PRIEST. And when he says these judges inspected the ballots, they would not incriminate themselves?

Mr. WILLIAMS of Texas. The record shows that they did it. I will not argue further. I call attention to this, that with 11 precincts, and with 1,611 straight Democratic tickets, the contestant received 316 votes. In the same boxes at the same time, on Republican straight ballots, the contestee received 3,379 votes. The returns on those boxes show that the contestant was elected by the voters in the eighth congressional district of Illinois. Gentlemen talk about precedent. If this House does not by its vote say to the eighth district of Illinois that we expect them to hold an election that is decent; that we expect them to hold an election that is fair; that when you send a Representative to Congress we know that he has been elected honestly, the time is coming when that district will not be allotted a Representative until they clean house.

I thank you. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. ESTEP].

Mr. PARKS. Mr. Speaker, I make the point of order that there is no quorum present. This is a very important matter, going to the foundation of the Republic, and I think we ought to have a quorum present.

The SPEAKER pro tempore (Mr. JOHNSON of Texas). The gentleman from Arkansas makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 44]

Abernethy	Curry	Kurtz	Pratt, Ruth
Aldrich	Darrow	Kvale	Purnell
Andrew, Mass.	Dieterich	Lambertson	Reid, Ill.
Bacharach	Doughton	Lamneck	Romjue
Bacon	Douglas, Ariz.	Lankford, Ga.	Sanders, N. Y.
Baldrige	Drewry	Larrabee	Schneider
Beck	Englebright	Larsen	Shreve
Beedy	Foss	Lea	Snell
Beers	Freeman	Lewis	Steagall
Boileau	Garber	Lindsay	Stokes
Brand, Ohio	Gillen	Lovette	Strong, Pa.
Britten	Golder	Lozier	Sullivan, Pa.
Brumm	Greenwood	McFadden	Taylor, Colo.
Burdick	Hall, Ill.	McSwain	Taylor, Tenn.
Campbell, Pa.	Harlan	Maas	Tucker
Carden	Hawley	Magrady	Turpin
Carter, Calif.	Hogg, Ind.	Martin, Mass.	Weeks
Chapman	Hull, Morton D.	Montet	Welsh, Pa.
Clancy	Hull, William E.	Murphy	West
Cochran, Pa.	Igoe	Nelson, Wis.	Wolfenden
Cole, Iowa	Jacobsen	Nolan	Wolverton
Collier	Johnson, Ill.	Owen	Wood, Ga.
Connery	Johnson, Okla.	Patman	Woodruff
Cooke	Johnson, Wash.	Perkins	Woodrum
Crisp	Kading	Pratt, Harcourt J.	

The SPEAKER pro tempore. Three hundred and thirty-two Members have answered to their names, a quorum.

Mr. RAINEY. Mr. Speaker, I move to dispense the further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. ESTEP] is recognized for 15 minutes.

Mr. ESTEP. Mr. Speaker, I suggest that the call of the House simply increased the noise in the House rather than the number of Members present.

In connection with the matter at issue I want first to say that the report filed by the majority Members of this Elections Committee is the weakest and the most unconvincing document that was ever filed in a case where the result of its adoption will be the unseating of a Member of this august body. It is simply the report of a notary public by the name of Hoffman, appointed by Mr. Kunz, who held an alleged recount, who appointed the tabulators, who appointed the counters, who appointed the talliers, and this committee adopted the report submitted by this man Hoffman, and is now asking this House to accept it and unseat Mr. Granata by reason of that report. I am not going to argue the questions of law in so far as the power of a notary public goes, but I give you the fundamentals of what his power usually is, as recognized by any lawyer and as recognized by the laws of any State, and that is the power to take affidavits, the power to take acknowledgments, and the power to take depositions, either by way of questions and answers or by a continuous statement made by the affiant, and signed by the affiant at the end thereof; and I challenge any man in this House or any member of the majority of the committee to find one place in this record where there is a deposition made by anyone, and I challenge any member of this committee to show me where anyone was sworn——

Mr. WILLIAMS of Texas. Mr. Speaker, will the gentleman yield?

Mr. ESTEP. No. As I say, I challenge any member of this committee to show me where anyone was sworn, except the carriers and the tabulators who were taking charge of this alleged recount. The law and precedent as laid down by this House for years and years is plain. First, where one wants to contest the election of another Member he files a petition with this House. In that petition he sets out certain allegations or statements of fact to sustain his contention that he is entitled to the seat, and upon the appointment of a notary public by him, which is authorized under the law for the purposes I have already stated, depositions are to be taken and evidence produced. For what purpose? To show to this House that there are certain grounds verified by the depositions and evidence that would warrant this House in taking an interest in the question as to whether there was some reason for his contest. Mr. Kunz on the 9th day of December, 1930, the election having been held on November 4, 1930, filed a petition with this House, and in that petition he alleged certain things in connection with the conduct of that election. I briefly give you one of the allegations:

> That threats were made by gangsters, that they would make meat of the judges and clerks, that offers of money were made in great numbers of instances, that threats of violence were made.

That is one of the allegations made in Mr. Kunz's petition, and I challenge anyone to read this whole record, which is the most deplorable record I was ever called upon to read—and I trust no one in this House will ever have the misfortune to have to read a similar one. I challenge any man to find in that record one iota of testimony taken by the notary public to sustain the contention of Mr. Kunz. I challenge any Member to find in that record where any evidence was taken by the notary public on behalf of Mr. Kunz to sustain any of the allegations in his petition. What else did he allege? He alleged that he did not receive certain straight ballots that were alleged to have been cast in that election. What are his grounds for so alleging? Because Senator J. HAMILTON LEWIS had received a tremendous vote in certain districts, and the ballots were counted by the elections boards as having been straight ballots. There is a law in Illinois that provides that you can mark a straight ballot in the circle either of the Democratic Party or of the Republican Party, and then you can go over into the column of the party opposite to the one you marked as a straight ballot and there mark for certain individuals or one individual. It appears in parts of the record that where there was a cross in the circle indicating a straight ballot, and then there was a cross opposite Mr. Granata's name, if the straight ballot happened to be marked as a Democratic ballot, that those ballots were set aside as straight ballots to save complications and not put over where there were numerous split ballots.

In so far as all of the other candidates were concerned, Senator LEWIS, Mrs. McCormick, and the rest of the candidates at the head of the ticket, they were counted as straight ballots, but in going through them afterwards for the purpose of checking up the single instances, where they wanted to vote for a candidate in another party column, they then marked those up separately and, therefore, they appeared on the return of the election board as straight ballots when, in fact, they were not straight ballots, because Granata had a vote on each one of them. When the gentleman from Texas [Mr. WILLIAMS] was reading from the report, which he undertook to make you believe was an authentic record of the situation which existed in September——

Mr. WILLIAMS of Texas. Will the gentleman yield?

Mr. ESTEP. Yes.

Mr. WILLIAMS of Texas. Was not that proven by the return of the recount?

Mr. ESTEP. The return of Mr. Hoffman, yes; and I am going to get to Mr. Hoffman a little later.

Mr. WILLIAMS of Texas. The recount proved it.

Mr. ESTEP. But where was the recount? There was no recount as provided in any law.

Mr. WILLIAMS of Texas. Did not Mr. Hoffman have authority to recount those ballots?

Mr. ESTEP. I can not yield further but will get to that a little later. That is the explanation as it appears in the RECORD as to how the vote for Granata was checked up. Suppose, for instance, in a certain district Senator LEWIS received 300 straight ballots. They called them straight ballots because on those particular ballots there was only

one cross. Then they went through them and found that Mr. Granata may have had 200 crosses opposite his name on the ballots that were called straight ballots. So far as the record shows there was no fraud; there was no cheating in those cases; it was merely a matter of whether the election board used good judgment in setting aside these ballots in the manner they did set them aside.

This House for years and years has sustained certain well-known and defined precedents. It has already been referred to, that when the Republican Party had a majority of 100 in this House a Republican election committee, because the contestant in his case had not pursued his rights within the time stated by the law, refused to consider him and placed the Democrat in his seat or, at least, retained the Democrat in his seat. That occurred on two occasions, once in the Sabath case and once in the case of Mr. Kunz himself, where a man by the name of Parillo was contesting his election, and it comes with poor grace from the Elections Committee of the Democratic majority to now undertake to upset the very precedent relied on to seat Mr. Kunz, the present contestant.

One can not in the time allotted in cases like this even begin to cover the matters that are important, but I want to pay my respects now to the notary public in this case and to give to the House an idea, and each Member of the House an idea as to how, in the event he is defeated for Congress, he can start a contest. He can appoint his own notary public, have that notary public appoint men who will recount the ballots 10 months after the election, and then seat him.

It is good advice now, because all of us may need it at some future date.

After Mr. Kunz filed his petition, without ever having sustained any allegation in it by testimony or depositions, Mr. Granata, on the 6th day of January, 1931, filed his answer. Under the law Mr. Kunz should have taken his testimony within 40 days from that date. It has been sustained time and time again by committees of this House that that is the law. What did Mr. Kunz do? Not once did he undertake to subpœna witnesses for the purpose of giving any testimony to sustain his petition. He had only one desire and one thought, and that was, "I want my notary public to get hold of those ballots. I want my notary public to count those ballots with my assistance and the assistance of other men that I will appoint or recommend to him." He struggled from January, 1931, until September, 1931, or a period of nine months, until he finally got his grasp on those ballots.

Now, they say Mr. Granata had a notary public there. Well, let me read from page 50 of the record and find out what position Mr. Granata's notary public held with reference to this so-called recount. Mr. Hoffman, Mr. Kunz's notary, said:

> We have a lot of matters in the record that should not have been said. Why not proceed orderly?

Mr. Libonati, attorney for Mr. Granata, said:

> Why do you not conduct it orderly in conjunction with this notary?

Meaning Mr. Euzzino, the notary that Mr. Granata had appointed. Mr. Hoffman said:

> I am not recognizing that notary; he can not certify the record.

On page 50 Mr. Kunz's notary public said:

> I am not recognizing Mr. Granata's notary; he has nothing to do with this case.

Despite all of that, the majority Members say that Mr. Granata was represented in that so-called recount.

I say to you that the recount was not held under the jurisdiction of the election commissioners of Chicago, as has been intimated by certain men on the majority side of the committee. Here is a telegram from Judge Jarecki, dated March 11——

Mr. KERR. Will the gentleman yield?

Mr. ESTEP. Yes.

Mr. KERR. Will the gentleman state that this telegram is not a part of the case?

Mr. ESTEP. I was going to state that it was received on March 11, 1932, and I assumed that when I mentioned the date of the telegram all of the Members of this House would know it was not in the record that was closed back in October, 1931. This is the telegram received from Judge Jarecki, who was ex officio head of this election commission:

> Neither the board of election commissioners nor myself conducted the recount in the Kunz *v.* Granata election contest. We gave services and made suggestions to either side when we were asked to do so.

I do not depend entirely on this telegram, because in the record, at page 241, Judge Jarecki said:

> I am here only as a spectator. I have nothing to do with this.

Then the court said, Judge Jarecki still speaking, at page 107:

> Yes; we are not even going to count them. You will have to have your own counters and tellers. This is not our contest. The only thing is we are custodians of these ballots and we let you take them. When we say "we," I mean the election commissioners and all the employees down there.

This appears on page 107 of the record and sustains my statement that this recount was held not by the election commissioners of the city of Chicago, not by any judge or any court, but by a notary public appointed by Mr. Kunz, and a notary public who was a Republican and a precinct committeeman in Mr. Kunz's own district.

Mr. KERR. May I interrupt the gentleman?

Mr. ESTEP. Yes.

Mr. KERR. Tell the House why Mr. Euzzino, your notary public, did not take evidence in this case and return it to this House, if you do not want this House to believe Mr. Hoffman's return.

Mr. ESTEP. I will tell you why he did not. It was because the time was up, and Mr. Hoffman had no jurisdiction, really, at any time to hold the recount.

Mr. KERR. The gentleman is a lawyer, is he not?

Mr. ESTEP. Yes.

Mr. KERR. Does not the gentleman know that you can not count against either one of them the time that this case was in court?

Mr. ESTEP. No; I do not know that. That is where the gentleman and I disagree about our understanding of the law, and I believe I am perfectly able to understand it as well as the gentleman from North Carolina.

Mr. O'CONNOR. Will the gentleman yield for a moment?

Mr. ESTEP. Certainly.

Mr. O'CONNOR. The gentleman undoubtedly knows that in the Sixty-eighth Congress, in the Ansorge-Weller contest, Ansorge appointed a notary from his own office, a clerk in his own office, and that was sustained by the Federal court. That notary counted 70,000 ballots and returned the results to that Congress. Surely that precedent is established with respect to the notary in such cases, and the fact he is connected with the contestant does not give ground for interference by the courts.

Mr. ESTEP. There are decisions that dispute the right of the notary to count the ballots. There are cases that hold that ballots are not "papers" in the sense that they can be subpœnaed by the notary public, and in the minority views filed in this case those cases are set out. I am not going to burden the RECORD by reading them or arguing them, because they are in the minority report, and anybody who wants to read them can find the precedents and the cases that have so held.

In the case from Illinois, where Mr. RAINEY was one of the lawyers, the Rinaker-Downing case, the judge there issued an injunction against the counting of the ballots, apparently on the theory they were not "papers" in the sense that the notary public had the right to subpœna them.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. ESTEP. Yes.

Mr. WHITTINGTON. Do I understand the gentleman to say that Mr. Granata's notary did not file a report because it was too late?

Mr. ESTEP. I said that Mr. Granata's notary having been informed, as I have already stated and as the record shows on page 50, that he was not to be recognized, that nothing he did or said was going to be recognized by Mr. Hoffman, had no power during this recount, and there is a report filed by Mr. Granata's notary public.

Mr. WHITTINGTON. And what does that report indicate as to the actual count of the ballots or the accuracy of the count of the ballots?

Mr. ESTEP. He sustains the original count of the election board of the city of Chicago.

Mr. CHIPERFIELD. Will the gentleman yield?

Mr. ESTEP. Yes.

Mr. CHIPERFIELD. Does not the record show that the contestant's notary said to the contestee's representative, "You are only a spectator; you have no part in this proceeding"?

Mr. ESTEP. Absolutely; as I have already quoted from page 50 of the record.

Now, let me go a little farther in connection with the ballots in this case.

Let us assume, for the purpose of the argument, that the notary public had the right to count these ballots. Let us assume that the notary public was an honest man and desired only one thing, namely, an honest count of the ballots.

Under the facts shown in this record was the integrity of those ballots so preserved that when they were counted 9 or 10 months after the election, the notary's return ought to be taken as indicating the true state of those ballots on November 4 when they were counted by the election boards in the eighth congressional district?

I say that any man who reads this record would hesitate to ever have his seat put in jeopardy by having ballots counted whose integrity was as much in doubt as this record shows these ballots to have been.

Mr. WILLIAMS of Texas. Is it not the contention of the minority that these ballots, six or nine months after, be brought here and this committee count them again?

Mr. ESTEP. No. That is not my contention. I say that the integrity of the ballots has been destroyed. That is the contention of the gentleman from Iowa.

Now, let me say this: On page 472 of the record it shows some of the ballots were stored in a warehouse owned by Werner Bros., not in the vaults of the commissioner, but in this warehouse, wrapped up in brown paper and tied with cord.

Mr. WILLIAMS of Texas. The record shows that those were ballots not voted.

Mr. ESTEP. On page 292 of the record there is a statement by Commissioner Hoffman:

> Let the record show that the second precinct, twenty-seventh ward, in the poll books as indicated, votes cast in this precinct, 442 votes; a difference between the number in the box, which is 139, and the poll books—a difference of 303 ballots, which are unaccounted for. Mr. Rusch, will you produce any other ballots you may have in this precinct and also the tally sheet and all other papers in connection with the same?

Mr. WILLIAMS of Texas. Who carried the precinct by an overwhelming majority?

Mr. ESTEP. I do not know who carried it by an overwhelming majority; I am talking about the integrity of the ballot. You have got your figures all mixed up. Where were the 303 ballots that afterwards appear in the record as being counted? In all probability they were in Werner Bros.' warehouse wrapped up in brown paper and tied with a cord. [Applause.]

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Speaker and Members of the House, each and every one of the membership of this House to-day is sitting in this matter as a judge of the law and the trier of the facts. It should be the purpose of each and every one of us, it seems to me, to so develop and apply these facts, which are now well established, and to decide this case only upon the basis of right and justice.

I am very happy to say that upon a review of many cases in the House of Representatives, that it is to the eternal credit of each side of the House that they have frequently risen above narrow partisanship and on a number of occasions have seated a member of the opposition where it was in a minority where such action appeared right and just.

I want to devote myself to but one aspect of this case; that is, from what sources of evidence should it be established whether the contestant or the contestee is entitled to a seat in this House.

First, I want to assert that there are only two sources to which you can look and from which a decision can be made in this matter, only two sources of evidence that you have any right to consider. One class of evidence is the election return as made by the judges of election in the various precincts at the time of the election and at a time when the result of the general election could not be known and when there was little incentive to fraud.

I do not claim that of necessity such return is the highest form of evidence. The other source to which you may look is the ballots that were cast at the election, provided—and I will make the matter so plain that nobody will doubt the authority—that it is shown by the contestant by proper and competent proof that the ballots have been so preserved and protected that they remain the best evidence of the fact sought to be proved. [Applause.]

Here is the difficulty from a legal standpoint. You are apt to think—those who are in the laity, particularly, and many of us of the profession who have not looked into the subject—that you may take evidence where you find it and establish the right of a contestant to a seat in this House by any kind of evidence, whether competent or incompetent. Such is not the law. The law is very plain that you must take the class of evidence that is approved by the decisions of the courts and of this House.

Mr. ARNOLD. Mr. Speaker, will the gentleman yield?

Mr. CHIPERFIELD. I prefer the gentleman would wait; but if it is of any particular point now, I yield.

Mr. ARNOLD. Does the gentleman mean to tell us that the tally sheets that were made at the time the votes were counted originally are not evidence as to the result of the votes cast at that election?

Mr. CHIPERFIELD. I mean to say that the tally sheets and the certificates of the judges and clerks constitute the returns. There is no question about that. They are made by the very official gentlemen who are eulogized by the gentleman from Texas [Mr. WILLIAMS] as in this case doing this fairly and correctly. I do not mean to be discourteous; but as my time is very short and I want to get along with what I have in mind, so I would prefer not to yield just now. I call attention that it is required by the statute law of the State of Illinois—and I say without any boasting that I have been in many election contests in that State—that ballots shall be preserved as follows:

CHAPTER 46

PAR. 60.—Ballots strung and returned—Sale—When destroyed.—Sec. 59: All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the officer to whom by law they are required to return the poll books, and shall be delivered, together with the poll books, to such officer, who shall carefully preserve said ballots for six months, and at the expiration of that time said clerk shall remove the same from original package and grind and shall sell the same, together with all reserve and unused ballots, to the highest and best bidder for cash in hand paid and deposit the proceeds in the city treasury, county treasury, or treasury of the municipality or other subdivision of the State which paid for such ballots: *Provided*, If any contest of election shall be pending at such time in which such ballots may be required as evidence, the same shall not be disposed of or sold until after such contest is finally determined.

PAR. 63.—Returns—Triplicate series—To county and town clerk and secretary of state.—Sec. 62: One of the lists of voters, with such certificate written thereon, and one of the tally papers footed up so as to show the correct number of votes cast for each person voted for, shall be carefully enveloped and sealed up and put into the hands of one of the judges of election, who shall, within 24 hours thereafter, deliver the same to the county clerk

or his deputy, at the office of said county clerk, who shall safely keep the same. Another of the lists of voters, with such certificate written thereon, and another of the tally papers footed up as aforesaid, shall be carefully enveloped and sealed up and duly directed to the secretary of state and by another of the judges of election deposited in the nearest post office within six hours after the completion of the canvass of the votes cast at such election, which poll book and tally list shall be filed and kept by the secretary of state for one year, and certified copies thereof shall be evidence in all courts, proceedings, and election contests. Another of the lists of voters, with such certificates written thereon, and another of the tally papers footed as aforesaid, shall be carefully enveloped and sealed up and delivered by the third one of the judges without delay, in counties under township organization, to the town clerk of the town in which the district may be; and in counties not under township organization they shall be retained by one of the judges of election and safely kept by said town clerk or judge for the use and inspection of the voters of such district until the next general election. Before said returns are sealed up as aforesaid the judges shall compare said tally papers, footings, and certificates and see that they are correct and duplicates of each other, and certify to the correctness of the same: *Provided*, That the lists of voters and tally papers required by this act to be forwarded to the secretary of state shall be transmitted in envelopes furnished to the various county clerks by the secretary of state for that purpose. Said envelopes shall bear the name and address of the secretary of state printed in plain, legible type, together with a blank form printed in convenient shape for designating the county and voting precinct or district where it is to be used, and also the words "poll book and tally list only" and the date of the election for which they are to be used. Said envelopes, printed as aforesaid, shall be forwarded by the secretary of state to the various county clerks in the same manner in which registration books are now sent and in ample time for each general election. And it shall be the duty of the county clerk of each county, upon receipt of said envelopes, to properly fill out the blank form on one copy of same for each voting precinct or district in his county, according to the list of precincts forwarded by him in pursuance of law, to the office of the secretary of state. Said county clerks shall attach to each of said envelopes sufficient stamps to fully prepay the postage on the list of voters and tally papers which it is to contain. Said envelopes, properly filled out and stamped as aforesaid, shall be distributed by the various county clerks to the election officers entitled to receive them, together with their regular quota of other election supplies.

(Revised Statutes of Illinois, ch. 46, pars. 60 and 63.)

It is required that they shall be sealed up securely in an envelope and then shall be returned to the proper authorities. Unless these requirements have been complied with, I maintain that under the law of the State of Illinois and the decisions of this House that there is no such preservation of ballots as entitle them to be received as evidence for the purpose of overturning the official returns. I shall quote to you the authority in just a moment. Indeed, Mr. Speaker, you have to follow these ballots when they are offered as evidence in a court in the State of Illinois from the precinct and show that they were delivered by one of the judges or clerks to the election officials for preservation, and show that they were in the same state when they were delivered as when they left the hands of the voting officials. I have nothing but kind words to say of Mr. Rusch, but it is very apparent that his testimony is merely perfunctory, and it is equally apparent from the evidence in this case that rarely in the history of the State of Illinois have ballots been so improperly and wrongfully and carelessly and negligently handled as the ballots that are now before this House for its decision.

I call attention to the case of Eggers *v.* Fox (177 Ill. 185), and I shall read only a few lines from the decision of our Supreme Court. I was in that case and I am thoroughly familiar with it. Here is what the court said:

There is no evidence here, it is true, that the ballots were meddled with by unauthorized parties, but they were left in the town hall from Tuesday night until Thursday in an exposed condition, where they might have been reached and tampered with. Under such circumstances we are of opinion that before the ballots could be used to impeach the returns as shown by the poll books, it devolved upon the appellant to prove that the ballots were not changed or tampered with before they were delivered to the custodian on the second day after the election.

In other words, that you have to follow them from the original polling place, and the duty devolves upon the appellant, who was the contestant in that case. Such is the plain burden resting upon the contestant in this case.

In the case of Dennison *v.* Astle (281 Ill. 442), a recent decision, the court says:

The burden was upon the appellant to show that the ballots had been kept intact as required by the statute and preserved in such a way that there was no reasonable opportunity to tamper with them, otherwise they can not overcome the returns.

Just one further short quotation:

The statute requires that when the ballots are strung they shall be inclosed in a secure canvas covering, securely tied and sealed with sufficient impression wax seals in such a manner that they can not be tampered with without breaking the seals. This provision of the statute was not followed, and consequently it was possible for any one to remove the seals and replace them with like seals and sealing wax before the box had been opened and again closed. It was not incumbent upon the appellee to show that the ballots had been tampered with, but it was incumbent upon the contestant to show clearly that the ballots had been kept intact in such a condition as when counted and preserved without opportunity of interference with them. The evidence offered in behalf of the appellant was not sufficient to show the situation and the ballots were not competent as evidence.

That is a ruling of the Supreme Court of Illinois, and such is the holding of the House of Representatives in the matter of Wallace against McKinley in the Forty-eighth Congress. That plainly is the law. There are only two sources, as I have said, to which you can look. What is the evidence in this case? Never, in my opinion, in any case that came from Cook County or elsewhere was there such an improper handling of the ballots subsequent to the election. There is no evidence showing that they were delivered to the commissioners in the same condition in which they left the judges of election, and the evidence clearly shows that part of these ballots were used in a contest between two of the judges of Cook County, that they were then placed upon tables, that they were used and counted, with every opportunity to mark and interfere, as to the office here involved, with them if anyone was so disposed. Not only that, but when those ballots came from the election office to the notary, a notary who was admittedly partisan, the boxes had been broken open, the ends were caved in, they were brought by messengers from a distance, the ballots were tied up with old cord, and they were not in a canvas sack or in any way protected. Every opportunity imaginable prevailed for tampering with these ballots, had that been desired. Gentlemen, I say to you in all candor and with a full realization of the responsibility of the remark I make that none of us would hang a yellow dog on the evidence that was produced from these ballot boxes, taking into consideration the opportunity for this interference and tampering that existed here. [Applause.]

Let us further consider the situation. Here is a notary representing the contestant; there are from 5 to 10 tables, with people sitting around these tables with pencils, and the ballots are being counted by persons wholly unauthorized to do so; the attention of the notary is called to the fact that there is a mob of men surging around these tables and interfering with the situation. Was there opportunity for interference? The record in this case plainly shows that there was. But that is not what has to be established by the contestee, my friends; it has to be established by the contestant from the evidence in this case to the satisfaction of every gentlemen in this House, both Republican and Democrat, on his conscience, on his oath as a Member of this House, so that he can say that the evidence shows there was no opportunity to tamper with these ballots. Otherwise they can not overcome the returns and are not proper evidence.

It would be a terrible thing for those who were engaged in the conduct of that election, picked up as they were from the various walks of life, to ignore the law and seek to pervert the fact; but it would be ten times as great a crime for us to here lay aside the law willfully to serve partisan ends; and I have too much regard for both sides of this House to believe that that was done.

If time permitted, I could cite many instances where there was other opportunity than I have referred for interference with these ballots. I could call your attention to the fact that when they opened the boxes the number of ballots did not match the names on the poll sheets, and it was necessary to search and find and bring in from private

places of storage ballots that could have been marked many times for the purpose of aiding the contestant in this case. Again I say it is not incumbent upon the contestee to show that this was done, but under the decisions of the court and under the case I have cited of the Congress of the United States it must be shown by the contestant that these ballots were so handled that the opportunity to improperly change and alter did not exist; and unless that is shown from the evidence of the contestant that the returns prevail. Has that been shown? I would not stultify myself or belittle the intelligence of any gentleman in this House as to imagine that there is a single Member so credulous as to say that such a contention has been established.

You gentleman are the triers of the fate of this man. Some day some man upon one side or the other of the House may be called upon to stand trial himself in a contest of his seat; and when the question is asked him, as it is sometimes in other places, "How will you be tried?" let him answer, "I will be tried by the law of the land."

If the law of the land does not justify the removal of Representative Granata by saying that the ballots are better evidence than the return, then a lesser wrong would be done by retaining him his seat in this body to which he has aspired and to which the returns have shown him to be entitled, than to attempt his removal by a resort to improper evidence that has been condemned by the courts and the decisions of this House. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, the only question that we are to settle in a short time is whether or not Mr. Granata, who was certified by the duly constituted authorities in Illinois to be elected from the eighth district of Illinois, is entitled to retain his seat.

For many years contested election cases in the House of Representatives were decided not upon their merits nor upon the law and the facts, but from purely partisan considerations; and the way the matter was decided by those in power became a public scandal. This is the only type of case where this House sits as a judicial body; and if there ever was a type of case that should be decided solely upon merit, it is a contested election case.

When I came here 17 years ago, intensely interested in this matter of contested elections and the law of elections, I asked to go on the Committee on Elections. The second Congress that I was on the Committee on Elections was a Democratic Congress. I was on the Committee on Elections No. 1, composed of six Democrats and three Republicans. The chairman of that committee was Hon. Riley Wilson of Louisiana, than whom no fairer or more impartial Member ever sat in this House. He was of the same opinion as myself, that these cases ought to be decided solely upon their merits. The Democratic majority in the House of Representatives was only two, and yet in two closely contested cases our committee composed of six Democrats and three Republicans unanimously decided in favor of the Republican—in one case, that of Steele against Scott, in favor of the sitting Member; and in the other case that of Wickersham against Sulzer, the Democratic sitting Member was unseated. In both of these cases, in spite of all efforts on the part of Democratic Party leaders, the Hon. Riley Wilson stood firm, the reports were submitted to the House, and the House sustained the committee.

In the next Congress, the sixty-seventh, when there was a change in the political complexion of the House, I had the honor to be chairman of the Committee on Elections No. 1. We had two cases, both from Missouri: Earl against Major and Bogey against Hawes.

Our committee, composed of six Republicans and three Democrats, unanimously decided in favor of the Democratic sitting Members. In the next Congress, the sixty-seventh, I was again chairman of the committee when, strange to say, there came before us the case of Dan Parillo against Stanley Kunz from the eighth district of Illinois.

In order to expedite these contested election cases, and to do away with the scandal of having two men draw congressional salaries for a year, and sometimes two years, Congress enacted wise legislation and provided that 40 days should be allowed to the contestant to present his testimony, and 40 days to the contestee. In the case of Parillo against Kunz, from this same district, our committee, composed of six Republicans and three Democrats, found that the time had been extended by stipulation of the parties until almost six months had expired, and we found unanimously that the law of Congress had been ignored and that Mr. Parillo was entitled to no consideration, and we brought in a unanimous report allowing Mr. Kunz to keep his seat. [Applause.] I do not want gentlemen on the Democratic side to forget that this is the same district and the same man.

Now, this case is exactly the same, with this exception: There was a stipulation of both parties extending the time for taking testimony, but in this case Mr. Granata's counsel protested from the beginning that the ballot boxes should not be opened, but should be kept inviolate and sent to Congress to be counted by the Committee on Elections. However, the time was repeatedly extended, against his protest, until eight months had expired, and the law passed by Congress absolutely ignored. Upon those facts, no testimony having been taken, not a word of testimony to corroborate the charges set forth in the notice of the contestant, for almost eight months the law was ignored, and upon the strength of the Parillo-Kunz case and all the other precedents this contestant is entitled to no consideration, and the committee, now composed of six Democrats and three Republicans, in view of the precedents, and of the law and facts, should have brought in a unanimous report to the effect that Mr. Granata is entitled to his seat. [Applause.]

I appeal to the Democratic side of the House to be good sports, to be as fair to the Republican side when you are in the majority as we were to you when we were in the majority and you were in the minority.

Now, Mr. Speaker, the next question is about this alleged recount. Some States have a State law—we have in Massachusetts—by which votes can be recounted in a congressional election. Illinois has no such law.

It has been stated here that the contestee objected to these ballots being counted by the notary public. He was justified in that, because that is the law of the State of Illinois.

In 1928, in the case of Major against Ramey, an original writ of mandamus was brought in the Supreme Court of Illinois to have the ballots brought before a notary, as in this case, but the Supreme Court of Illinois refused, and said, in substance, that the only tribunal competent or empowered to recount ballots in a congressional election was the Congress of the United States. In this case Mr. Granata, through his counsel, objected to the ballot boxes being opened, and demanded that they should be sent to Congress in order that a committee of Congress might count the ballots. But he was overruled, and, contrary to the law of Illinois, this recount, irregular and illegal, was held.

Now, what are the precedents of Congress in regard to that?

Mr. KERR. Will the gentleman yield?

Mr. DALLINGER. I regret, but I can not yield. Fortunately, we have a case in the city of Chicago which is on all fours with this case. It was a case which affected another one of our colleagues—Mr. SABATH—the case of Gartenstein against SABATH, in the Sixty-seventh Congress, where the same thing occurred that occurred in this case. Mr. Gartenstein, the Republican contestant, contended that a recount held before a notary public, as in this case, showed that he was elected. But what did the Committee on Elections of this House, composed of six Republicans and three Democrats, do? According to the precedents, they decided that such a recount was absolutely irregular and absolutely ignored it, and by unanimous vote reported that Mr. SABATH, the sitting Democratic Member, was entitled to his seat.

Now, my friends, the issue here is simply whether you are going to follow the precedents.

Mr. KERR. If the gentleman will yield, I will give him two additional minutes.

Mr. DALLINGER. I yield.

Mr. KERR. The gentleman said that the Gartenstein-Sabath case was on all fours with this case.

Mr. DALLINGER. Certainly.

Mr. KERR. Does not the gentleman know that in that case the reason they seated the contestee was that Congress itself said that only half of the votes had been recounted and therefore they could not tell who was elected? The gentleman ought to know that.

Mr. DALLINGER. I know all about it because I have studied every one of these election cases. This is what the committee said on page 12 of the report:

> No attempt was made by contestant to offer these ballots to be canvassed by the committee, but contestant seeks in this case to overthrow the official canvass of the votes by the legally constituted election boards by calling a witness to go through the ballots and report the tally to the commissioners selected by contestant to take testimony.

That was exactly what happened in this case, and that case was absolutely on all fours with this case. [Applause.]

Mr. KERR. May I interrupt the gentleman?

Mr. DALLINGER. Certainly.

Mr. KERR. Was not the decision of the House upon this point, that the reason they seated the contestee was that there were only half of the ballot boxes opened and counted, so that they could not tell who was elected?

Mr. DALLINGER. That is exactly the case here. If the gentleman has read the record, he will find instance after instance where Mr. Granata's attorney objected to a recount of these ballots by a notary public because from 100 to 600 ballots were found to be missing out of various ballot boxes. [Applause.]

Mr. Speaker and gentlemen of the House, think of calling what took place here a valid recount. I ask gentlemen who come from States where they have a provision for a recount by election commissioners to think of having the returns of the regularly constituted authorities overthrown by a recount held before a notary public, picked out and chosen by the contestant, the said notary public being the sole judge in every instance as to whether a ballot should be counted for Kunz or whether it should be counted for Granata.

Mr. O'CONNOR. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. O'CONNOR. That is what happened in the Ansorge-Weller case. The notary counted 70,000 ballots, reported to this House, and the committee took that count.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. CHINDBLOM. That was by agreement. I have the case right here. In the Ansorge against Weller case it was by agreement of the parties, and they came back to the House to have all the disputed ballots brought down here, and we passed a resolution in the House authorizing the disputed ballots to be brought down here, and after they had been counted, the committee reported.

Mr. O'CONNOR. I am not talking about disputed ballots or about bringing them here, because that is another subject entirely. I say that Ansorge appointed a notary in his office and that not only did Weller not consent to it, but he went into the Federal court to enjoin it.

Mr. CHINDBLOM. And the report of the committee shows that the count was by the parties and by their attorneys and by agreement.

Mr. O'CONNOR. Of course, they have to have a lot of people sitting around the table counting the ballots, because one man could not do it all.

Mr. DALLINGER. And I want to tell the gentleman from New York that I happened to be chairman of the committee in the Ansorge case, and we unanimously brought in a report in favor of the Democratic sitting Member, Mr. Weller.

Mr. LINTHICUM. Will the gentleman tell us about the case of Tom Harrison, who was unseated by the Republicans some years ago?

Mr. DALLINGER. That is an entirely different case.

Mr. WILLIAMS of Texas. I would like to advise the gentleman that if the records had proved that Mr. Granata was elected there would have been a unanimous report by this committee.

Mr. DALLINGER. Mr. Speaker, I want to call the attention of my Democratic friends to the fact that the canvassing board which returned Mr. Granata as elected, after making certain changes in the interest of Mr. Kunz, was a Democratic tribunal, and yet you are asked to go back of the returns of the regular canvassing board in which the Democratic Party had a majority.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. DALLINGER. I thank the gentleman.

I wish to recall this fact to the attention of the House. It is a universal rule in contested elections, supported by all the precedents that you can not impute the official returns or call for the recounting of the ballots until you have produced testimony showing that there is ground for a recount. In case after case, Congress has refused to send for the ballots and count them, because there was no evidence presented to the committee that there was ground for belief that a recount should be had. Now, in this case there was absolutely no testimony taken, and this case was extended week after week and month after month, against the protest of Mr. Granata and his counsel, and the law of Congress, enacted in order to expedite these contested elections, was absolutely ignored. In conclusion, I am simply going to appeal to the Democratic Members of the House to play the game. We played the game with you on these two cases right in the city of Chicago, when we had a committee of 2 to 1 in our favor, and we ask you to-day, for the good name of the House of Representatives, to decide this case, not on partisan grounds, but upon its merits, upon the law and upon the facts. [Applause.]

I thank you very much for your attention.

Mr. GIFFORD. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Speaker, I did not intend to discuss this election contest; but fater listening to the debate, I now feel compelled to do so.

We should always approach these election contests from a nonpartisan standpoint. My record in so far as not having partisanship enter into such contests is clear. I voted to seat the Democratic Congressman, Mr. MILLIGAN, and was one of those few Republicans who voted to seat Congressman BLOOM.

I want to tell you, my friend, if you vote to seat Mr. Kunz on the evidence presented to the election committee and the House, you write into the precedents of the House of Representatives, in so far as election contests are concerned, a precedent that will rise to haunt you in the future.

Why, even in this session of Congress we have a contest before an election committee of which I am a member, and many of the arguments advanced by the sitting Democrat are fairly and squarely on all fours with the arguments advanced by the gentleman from Illinois [Mr. CHIPERFIELD] against the seating of Mr. Kunz.

Mr. Speaker, are we going to adopt a policy that whenever a candidate defeated by a sitting Member of Congress feels out of sorts, he can demand a recount, if you please, without presenting any evidence in behalf of such demand, although the State laws in the candidate's home State require reasonable proof of irregularities justifying such action? If you study most of the election contests where the question of having the committee bring in the ballot boxes and count the ballots has been raised, you will find precedent after precedent to the effect that some evidence must be presented which would justify a recount of such ballots.

Furthermore, are we going to establish the precedent of having a notary public sitting in the city of Chicago, appointed by the defeated candidate, without any evidence being produced, count in some room of his choice the ballots in an election contest because a defeated candidate for Con-

gress desires to have a recount, without presenting any evidence of fraud or irregularity?

Mr. Speaker, the gentleman from Texas [Mr. WILLIAMS] tried to bulwark his indefensible position on the grounds that Mr. Kunz did not receive as many votes on the returns as other Democratic candidates on the ballot, and stated that this was prima facie evidence that a recount should be ordered.

Why, the gentleman from Texas [Mr. WILLIAMS] well knows that in his own election in 1928 he received 30,926 votes and Gov. Al Smith received 18,001 in his district. Is that prima facie evidence that those returns should have been recounted, either upon the request of the gentleman from Texas or Governor Smith?

Why, in the State of Texas, in the presidential contest in 1928, what do we find?

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield the gentleman one additional minute.

Mr. WILLIAMS of Texas. Will the gentleman yield?

Mr. SCHAFER. Wait until I finish this statement.

Al Smith, in the 1928 election, received a total of 341,032 vote in Texas, while Mr. CONNALLY, the Democratic candidate for the Senate in that State, received a total of 566,139 votes. The Republican candidate for the Senate received 129,910 votes and President Hoover 367,036 votes. Following the gentleman's logic, should Al Smith or the Republican senatorial candidate, without any further evidence, have demanded and obtained a recount? [Laughter and applause.]

Mr. WILLIAMS of Texas. The contention of the committee is that this straight Democratic ticket had the contestant's name on it. I will say for the information of the gentleman that the gentleman from Texas ran like all the other Democrats on that ticket.

Mr. SCHAFER. The gentleman begs the question, because he did not know how the ballots read until after the notary public opened the boxes, and then when all the other unauthorized persons were milling around with them. Mr. Kunz did not present evidence indicating that anything was wrong with the ballots until the notary public appointed by him opened the ballot boxes. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield seven minutes to the contestee in the case [Mr. Granata].

Mr. GRANATA. Mr. Speaker, to-day this honorable body assumes the rôle of jury and I the rôle of defendant. Fate has placed me not only in the rôle of defendant but has directed that I act as defender of my honor, character, and destiny. Ladies and gentlemen, I appeal to you as jury to cast aside all manner of prejudice, the bias of partisanship, and judge me and my case on its merits alone.

All of you have heard of the contest being carried on by my opponent for my seat. The newspapers have carried from time to time scandalous stories of the alleged conduct of the election in my district, of the alleged frauds, and of the doubtfulness of my character, all made by the gentleman who is my contestant in this matter. I have deliberately abstained from making countercharges in the newspapers, because I thought it did not comport with the dignity of a Member of this honorable body; and, ladies and gentlemen, I do not now prefer to put on trial the character or reputation or integrity of the contestant, because I sincerely believe it is entirely irrelevant in so far as the contest is concerned. Suffice it to say that only in justice to my honor not one single charge or statement made by the contestant respecting my character and honor has been proven or attempted to be proven, and there has not been one single word of testimony submitted to substantiate the scandalous charges that have sought to leave my name stained and discolored.

Ladies and gentlemen, I appeal not to your sympathies but to your American spirit of fair play to consider and weigh this case simply and purely on its merits, free from the mire of unsubstantiated charges and accusations. The waters of this contest have been muddied through a nasty and vicious whispering campaign, so as to create prejudice, but I appeal to you to consider the true issues as presented in the briefs and the report of the minority in this matter.

If the Members of this honorable body accept the majority report of the committee you are voting an authorization to every dissatisfied and disgruntled opponent that you defeat in your respective districts to make scandalous charges, unsubstantiated, appoint a prejudiced notary public, to subpœna the ballots under conditions and restrictions dictated by him alone through his rubber-stamp notary, and there do with those ballots any act of magic he may be equal to perform. And you, ladies and gentlemen, will be obliged to accept that mysterious report of a prejudiced notary public as the true and correct count of the votes in your district. That is exactly what has happened in this case.

The inviolability of the ballot box, that has been so carefully protected by statute in every State of the Union, will thus be shattered, and duly elected Members of this House of Representatives will be at the mercy of a notary public. Certainly, ladies and gentlemen, that was not the intention and spirit of the act passed here in 1851.

In the State of Illinois alone, where this contest is being eagerly watched, I prophesy a contest in every single congressional district. The precedent would be dangerous to the security of all Members and would invite contests throughout the entire country. If established by your action in this case, it will return as a boomerang to injure some of you some day.

The majority report states that if the straight Democratic ballots were counted for Kunz it would make enough difference to show him elected, but remember this hand-picked notary public himself decided what constituted a straight Democratic ballot, and the printed record proves that a majority of these so-called straight Democratic ballots were also marked for me, which, under the Illinois law, should actually have been counted for me instead of for Mr. Kunz.

In conclusion, ladies and gentlemen, my fate in this case rests solely in your hands; you alone have the power to say what my destiny shall be; you determine whether I was duly elected and am entitled to retain my seat in this honorable body as a public servant or once more become a humble citizen, to build over again the ambitions which I have worked for and striven to achieve since my early youth.

I sincerely hope that party loyalty will not sway you from the right and from the course of justice as to the merits of my case, but that you will vote only as your conscience directs, and this as you would have others do to you were you the unfortunate victim of circumstances entirely beyond your control. With this I leave myself entirely in your hands. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Speaker, I think perhaps enough has been said about the procedure by the contestant in this case. It is perfectly clear that in the presentation of his case, or the lack of presentation of his case, the contestant violated the law relevant to election contests in this House and the rules of the committees of the House itself in relation to such contests. Not a word of testimony, not a scintilla of evidence was taken in this case within the time prescribed by law.

Mr. Speaker, I think I may lay claim to some lack of partisanship with reference to my action on committees on election contests. I was a member of the committee which brought in the report in the case of Gartenstein against Sabath. Judge SABATH and Mr. Kunz are both old-time Democratic leaders on the West Side in the city of my birth. I have known them for years. If anybody had any bias or feeling, perhaps I might have had it; but in the Gartenstein case, as in this, the contestant, Doctor Gartenstein, against Judge SABATH absolutely failed to bring in any evidence in the time fixed by law and by the rules of the House. He had pretended to have had a recount by a notary public, and on the basis of that count he sought to have our Committee on Elections No. 3 declare him seated. We brought in a unanimous report by the committee, of which the Repub-

licans had a majority of 9 to 6, and we retained Judge SABATH as a Member of this House. That case is on all fours with the present case, and this should be treated like it.

Some reference has been made to the case of Ansorge against Weller. I have the report of the committee here in that case. About 70,000 ballots were counted by agreement of the parties, and the record shows it was so done. Then the committee came to the House, as appears in the RECORD of March 31, 1924, page 5271, and asked the House to pass a resolution under which authority would be given the Committee on Elections No. 1 to have brought down to Washington some 800 contested ballots in order that the truth might be learned with reference to these contested ballots. The ballots were brought here, and the Republican committee in Ansorge against Weller brought in a report in favor of the sitting Democratic Member, Mr. Weller, and against the Republican contestant, Mr. Ansorge. There is no precedent anywhere in any of the election cases in this House under which a notary public may proceed to count the ballots, under which he has any authority to count ballots. His only authority is to bring before him witnesses and to issue subpœnas for witnesses and subpœnas duces tecum for papers and documents, and those documents are to be brought before the notary public, and the notary public is to certify them to the House or to the committee of the House, and the committee of the House then determines their probative worth and effect.

I will tell you how this recount was handled. It happens that I was home last summer. I knew what was going on. Here is a man, a notary public, who was selected by the contestant himself, who proceeds with all of the arrogance of any man of small tyrannical power, in utter disregard of the rights of anybody but the man who hired him and paid him for his services. He proceeds to have a count, in what manner? We are being told here, and the committee says in its report—

> The board of election commissioners began the count of these congressional ballots.

The board of election commissioners never conducted any count of these ballots, and the committee or whoever wrote that sentence ought to apologize to the House for misrepresenting the facts by saying that the board of election commissioners began the count of these ballots. The board of election commissioners of Chicago never had anything to do with this alleged recount. Judge Jarecki, the county judge, never had anything to do with it. You have heard the telegram which he sent to Judge GIFFORD. You have also had read to you by Mr. ESTEP, of Pennsylvania, what the record shows. The judge himself says in this hearing that the board of election commissioners and the county judge had nothing to do with this recount. He said in fact:

> I am here only as a spectator; I have nothing to do with this. You will have to have your own counters and tellers. This is not our contest; the only thing is, we are the custodians of these ballots, and we will let you take them. When we say "we," I mean the election commissioners and all the employees down there.

It is idle to try to clothe this recount with any kind of judicial authority. It had none. It was purely the action of the contestant and of his notary public and the men they selected to conduct this count.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. GILBERT. In the case just cited by the gentleman in which the notary did the counting, was the notary selected by agreement?

Mr. CHINDBLOM. The gentleman means in the case of Ansorge against Weller?

Mr. GILBERT. Yes.

Mr. CHINDBLOM. There were two notaries. The notaries and the parties and their attorneys all agreed on the count. I will tell you how this count out there in Chicago was had. There was no tally made. These men were hired by the notary public. The chief clerk of the election commissioners brought in the ballot boxes. At first they had 5 tables and then 10. They were spread out over a big room that was filled with a large mob of people. A ballot box would be brought in. It would be opened. The ballots would be spread out on the table and these so-called counters or talliers would proceed to pick out these ballots and lay them in piles, saying, "There is a Kunz ballot, there is a Granata ballot, there is a Kunz ballot, there is a Granata ballot, and here is a ballot that somebody objects to, and we will lay that over there." Then the notary public would come around and he would say, "In this first precinct of the twenty-fifth ward what did you find?" and the notary would say, "We found so and so. In such a precinct we found so many votes for Granata and so many votes for Kunz." The notary public himself did not check it over. He knew nothing about it. Only these men who had been selected by this notary with the consent of the contestant knew. They pretended to count the ballots in the manner I have indicated, and then they come down here and say they have an accurate count, and the record shows that there were over 6,000 ballots to which objection was made by Granata or his representatives, to which objection no attention was paid.

The gentleman from North Carolina [Mr. KERR] and the gentleman from Texas [Mr. WILLIAMS] talk a great deal about these so-called straight ballots. Gentlemen from the large cities will understand me better when I refer to some of the conditions in this congressional district. This eighth congressional district of Illinois, when I came to the House in 1919, was represented by Hon. Thomas Gallagher, whom many of you will remember. When Mr. Gallagher came here as a representative from that district the district was overwhelmingly of Irish population. There was a time when that district had 75 per cent of Irish population. Then the Poles began to move into the territory. Mr. Kunz was a leader of the Polish people, particularly among the Democrats. He was an alderman in the city council and he was State senator at Springfield, and I think at one time he held both positions at the same time, which he was permitted to do under our law.

With his Polish population Mr. Kunz sought to replace Mr. Gallagher. The Polish population grew. At one time they constituted 60 per cent of the eighth congressional district; and Mr. Kunz grew in power; the Poles elected him and he came here. Then that nationality began to move out of this district and the Italians began to come in, and they began to get the power. Slowly they began to supplant those of Polish nationality who had held office in Mr. Kunz's congressional district until Parillo, an Italian, brought a contest here against Kunz on the ground that he had been elected. To-day 50 per cent of the population of that district is Italian, about 15 per cent is colored, and about 35 per cent still remains Polish.

Now, do you understand why that territory changes representation. Why, in the last congressional election in that district the Italians ran one of their people for the Democratic nomination against Mr. Kunz; and they ran Mr. Granata, one of their own folks, for the Republican nomination? Mr. Kunz managed to win out over his contenders in the Democratic Party, but Mr. Granata was nominated on the Republican ticket. Thereupon these Italian people turned around and voted for him for Congressman, although they voted the straight Democratic ticket for every other office. That is the secret of it.

Talk about straight ballots! I have served on boards of election where a situation like this has arisen. It is very customary for judges and clerks of election to take ballots which contain the name of only one specially marked candidate and count them as straight party ballots, and then count the single candidate's votes specially, merely as a matter of convenience. For instance, a voter may place a mark in the Democratic circle and make no further mark except a cross opposite Mr. Granata's name. In that way he has voted the whole Democratic ticket with the exception of the vote for Member of Congress, and for that office he voted for Mr. Granata. These judges and clerks—and I

know it within my own experience—will consider such ballots as straight ballots with the single exception of the one vote which is cast for some particular candidate.

Mr. GILBERT. Will the gentleman yield?

Mr. CHINDBLOM. I can yield for a very brief question only; I have not much time remaining.

Mr. GILBERT. I am seeking the light. In the tenth precinct of the twenty-seventh ward, referring to these straight ballots, all the other Democrats got 316 votes; Mr. Kunz got 5. Do the conditions the gentleman has pictured apply to the situation existing there?

Mr. CHINDBLOM. I will say to the gentleman that back in the days of 1915, when that territory was controlled by Mr. Gallagher and his friends, I was a candidate for circuit judge. In the first precinct of the old nineteenth ward every candidate for judge but one got 250 votes on the Democratic side. There was one Republican candidate living in the immediate vicinity. He got 250 votes and one of his Democratic opponents got only 13 or 14 votes. That is what the Democrats did in that case. That is what happened in those days. It is the easiest thing in the world to split a ballot; and that is being done in these precincts.

Now, what are the facts with reference to this eighth congressional district? I told you that the population is changing. It has become largely Italian in nationality. In the last few years this is what has happened: That nationality has elected 2 Republican ward committeemen and 1 Democratic ward committeeman; it has elected 4 representatives in the general assembly at Springfield and it has elected 1 State senator; it has elected 1 alderman in that eighth congressional district, all of the same nationality, because the people of that nationality stand together.

They were ambitious to send this young man to Congress. I dare say they might well be proud of him. His name was on the Republican ticket. They voted the Democratic ticket straight and then crossed over and marked their ballots for him. Then immediately my good friend Mr. Kunz concludes there is some skullduggery, something wrong, because he did not get those votes. Well, I dare say there may be other surprises in that congressional district yet. [Applause.]

[Here the gavel fell.]

Mr. CAMPBELL of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Speaker, in the five minutes allotted to me I shall not attempt to analyze the evidence in this case. That has been done very thoroughly by others. As one of the older Members of the House I wish to say just a few words as to the importance and meaning of these election contests.

To Mr. Granata, the contestee, this contest means whether, as the record shall stand for the future, he shall stand recorded as having been elected to the Congress of the United States. To him it means whether the ambition he had entertained and which he supposed had been fulfilled shall be here nullified and brought to naught. It means, as he has so well said in his remarks, an important change so far as his destiny is concerned. All of this is important and should be considered, but even this is not the most important point. A greater point still is the future effect of a wrong decision in a case of this kind made upon insufficient evidence or lack of evidence, as clearly appears in this case. The precedent thus created will rise up from time to time to plague those who follow after us.

I regard it as one of the most solemn duties of a Member of Congress to pass upon the right of one of his colleagues to a seat in this body. After an election has been held, after the duly appointed officials authorized to hold the election have performed their duty, and the governor of a State has sent a certificate here to the effect that one has been elected to this body, for us to then, by a simple resolution, nullify the entire proceeding, to destroy the efficacy of the certificate upon which a Member has taken his seat, is surely a very solemn responsibility. It ought not to be done except upon the most serious consideration. Before doing it our minds should be clearly convinced that it would be unjust to allow the sitting Member to retain his seat here.

If we should unseat the contestee in this case upon the very flimsy evidence we have here, we shall have decided the right of a Member to a seat in this House practically upon an ex parte proceeding. Without judge, jury, or even the form of a court we shall have decided that the certificate through which this Member holds his seat is null and void.

It seems almost beyond belief that through the appointment of a notary public by the contestant, this notary should be given the power to count the ballots, and in doing so to exercise his own discretion in overruling any objections that might be made by the contestee or his attorneys. In other words, a partisan notary public named by the contestant at his own sweet will decides what ballots he will count and what ballots he will reject. Apparently this partisan friend of the contestant, named for the purpose, had the power to determine that thousands of ballots should be thrown out if they were favorable to Mr. Granata, or should be counted if they were favorable to Mr. Kunz.

If the ballots in this case had been brought to Washington and a committee of our colleagues sitting upon the case had examined them, then we should bow gracefully to the decision arrived at by the committee, because we should then know that the case had not been conducted solely along partisan lines, but that at least the contestee would have colleagues of his own party to see that he had a fair hearing.

Mr. TARVER. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. TARVER. Does the gentleman believe it would be of any benefit to the House in arriving at a correct decision in this case if it should now recommit this matter to the committee with instructions to procure and consider those ballots?

Mr. TILSON. That would be far better than the course now proposed, that of unseating a man on the flimsy evidence here presented. Unless the contestee can be given his seat, as it seems to me he should be on the record in this case, then by all means the matter should be recommitted and have all of the ballots counted, because I believe this House would prefer to fairly arrive at the truth as to who was the real choice of the people in this congressional district. [Applause.]

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield three minutes to the gentleman from Maine [Mr. SNOW].

Mr. SNOW. Mr. Speaker, I have been a Member of this body for three years, and during that time I have not uttered one partisan word on the floor of this House, and I am not going to to-day but am simply going to attempt in my humble way to appeal to the fairness of you all. I strongly believe in the two-party system; and, while I disagree at times with the views of you gentlemen sitting on the right-hand side of the aisle, yet I hold each of you individually in the highest esteem.

The control of the House does not hinge upon the vote about to be taken here in this contested-election case. Beginning with the death of our late lamented Speaker Longworth, the angel of death called enough Republican Members to their eternal home to turn a slight Republican majority into a Democratic majority, and as a result the Hon. JOHN N. GARNER was elected Speaker. I left a sick bed and traveled 700 miles in order to be here to vote for the Republican nominee, Hon. BERTRAND H. SNELL, and have been chided good-naturedly since by some of my Democratic friends as being very partisan. Let me say at this point that that was a proper time to show loyalty to your party, although I can assure you that I derived no personal pleasure in voting against my honored friend JOHN N. GARNER. Furthermore, before the election of a Speaker, a gentlemen's agreement was made to the effect that no matter what happened, after the Speaker was once elected, there would be no change during the entire Seventy-second Congress. This agreement is not binding legally, but it is morally, and I can simply say to my Democratic colleagues that, if by death or

resignation, the Republicans in this House were suddenly placed in the majority and any attempt was made to oust our present Speaker, I would vote for the Hon. JOHN N. GARNER until hell cracked.

Another situation confronts us to-day, and from my viewpoint there should be absolutely no partisan politics played. It simply involves the individual rights of a citizen of the United States who, on the face of the returns, was elected by approximately 1,100 votes, received his certificate of election, and has been sitting here with us from the opening day of Congress. He is entitled to every fair consideration from each individual Member of this House, be he Republican or Democrat. In my opinion—and I say it with all due respect to the five majority members of Elections Committee No. 3—Mr. Granata has not received this fair consideration from that committee. Their decision is based wholly on the report of a partisan notary public, selected by the contestant, Mr. Kunz. If you have taken time to read the report, you can come to no other conclusion than that it was a horrible travesty from start to finish.

Has the time come when a duly elected Member of the House of Representatives can be ousted from his seat by a report of a notary public? I hope not.

In closing, let me appeal to your justice, to your fairness, to your sense of right. Mr. Speaker, if Peter C. Granata is unseated here to-day, simply on the strength of the report of a partisan notary public, it will be so rotten that it will smell to heaven. [Applause.]

Mr. GIFFORD. Mr. Speaker, may I ask the chairman of the committee if he will not put on the next speaker?

Mr. KERR. As I understand, the contestant is entitled to the closing speech.

Mr. GIFFORD. The gentleman from Iowa [Mr. CAMPBELL] gave notice this morning he would offer a motion to recommit and asked unanimous consent to do that, which request was granted. It does seem to me his motion to recommit should immediately follow his remarks.

Mr. KERR. Is the gentleman from Iowa [Mr. CAMPBELL] the only one who is to speak on the gentleman's side?

Mr. GIFFORD. The gentleman from Iowa [Mr. CAMPBELL] would like to speak, but he would like to be the last speaker because he is going to offer a motion to recommit. Do I understand that the chairman of the committee refuses to put on the next speaker now?

Mr. KERR. The contestant is entitled to the opening and the closing, and we have but one more speech on this side.

The SPEAKER pro tempore. The Chair understands that the contestant is entitled to close the debate.

Mr. GIFFORD. Mr. Speaker, I therefore yield the remaining 12 minutes to the gentleman from Iowa [Mr. CAMPBELL].

Mr. CAMPBELL of Iowa. Mr. Speaker, I personally have taken a little different position from both those who signed the majority report and those who signed the minority report.

As the gentleman from North Carolina [Mr. KERR] has well said, the election of a Member of Congress is a vital matter in our political structure. It is a vital matter to pass upon the unseating of a man who has a place in the Congress. However, the committee well knows the position I have always taken in regard to these contests.

During the days of William McKinley, he was elected to this House by a majority of 11 votes. It was a Democratic House, and a subcommittee of the original committee was appointed to investigate the election returns, and in that election contest the chairman of the subcommittee, who was a Democrat, brought in a report seating McKinley. He brought that report out here on the floor and argued in behalf of the seating of McKinley. During the course of that debate a Democrat arose and said, "So far as I am concerned a Democrat is a Democrat, and I think all the Democrats ought to vote for a Democrat, and McKinley is a good fellow to get out of this House," and the Democrats unseated him.

Mr. Speaker, I do not believe that of the present Democrats of this House. I believe the present Democrats of this House are absolutely fair, and I believe they are going into this case just as far as they can and get all the evidence they can before they finally come to a conclusion.

I want you to pardon me if I tell you personally my position on this Elections Committee, and I want to talk to the Democrats as Democrats. I am not talking to the Republicans, I am talking to the Democrats.

When I was first selected or appointed a member of the Elections Committee, it was not solicited by me, and the first case we had was a contest from Texas, Mr. Wurzbach against Mr. McCloskey. I felt somewhat uneasy about that contest, for within myself I knew that if I found that McCloskey was elected I was going to vote for McCloskey. I went to the chairman of our committee and I told him my position in the matter. I said, "If this is a partisan matter, I have no business on the committee"; and he said, "You stay on the committee."

I want you Democrats to get this—and there are members of the committee sitting here who can vouch for what I say: During the course of that contest there was evidence of fraud sufficient for a majority of the Republicans on the committee to find in their own minds that Wurzbach was elected, and they wanted to pass a resolution for the unseating of Mr. McCloskey without going into the ballot boxes. The Democrats objected. I remember the position of the little fellow from South Carolina [Mr. HARE], and I thought he was right and I said, "It looks on the face of it that Mr. Wurzbach was elected, but at the same time I have pledged myself to go just as deep into this as possible, and this is a vital matter to our country, and I am going to vote with the Democrats." We took a vote on whether to look into the ballot boxes or not, and, against the objection of the Republicans, who brought their pressure on me, with another Republican on that committee, we voted to go into the ballot boxes and to go as far as we could to find out everything there was there; and I remember well when I went out of there, the gentleman from South Carolina patted me on the back and said, "I am glad we have got a fair and square man here from the Republican side."

Now, I want to say to the same gentlemen at this time—I want to say to the Democrats—I only ask you to be as fair in this contest here as I have been with you, and as long as I sit on the committee—I hope in the future I shall show it—as long as I sit on the committee I shall not know a Democrat and I shall not know a Republican. [Applause.]

Mr. HARE. Will the gentleman yield?

Mr. CAMPBELL of Iowa. I yield.

Mr. HARE. I want to corroborate what the gentleman from Iowa has said, and I want to say that at the beginning of the hearings I found myself very much in accord with his proposition in regard to the case he refers to and also in the case at bar. I, as one member of the committee, would have been very glad to have the ballots in this case counted; but the gentleman will understand, and the gentleman from Iowa knows, that when I questioned the attorneys they answered in response to an inquiry from me that the ballots under present conditions could not be relied upon; and then I felt that it would be unfair, both to the contestant and the contestee, not to take the word of the counsel representing both Mr. Granata and Mr. Kunz, as to the counting of the ballots.

Mr. CAMPBELL of Iowa. Now, Mr. Speaker, I like the position of the gentleman from South Carolina. He is fair. But I want to give you this thought as to the question of the integrity of the ballots: There is no evidence of the fact that they are not as well preserved now as they were at the time of the count. In other words, if these ballots were ruined, they were ruined when? They were ruined prior to the time they were counted. I do not care what the statements of the attorneys are in this case, I say to you gentlemen on this side and I say to you gentlemen over here, that if you want to go down to the bottom of this case the only thing you can do is to get at the ballot boxes.

Now, the record shows that the reason they called them "straight ballots" was because there was a cross in a different pencil mark than the one opposite Granata's name.

Those ballots are there now. There are a lot of ballots marked in front of Granata's name that they claim is different from the marks in the cross.

Mr. GAVAGAN. Will the gentleman inform us what became of the ballots after they were counted by the notary public?

Mr. CAMPBELL of Iowa. There is no evidence of that. They are supposed to go back into the vault. They are supposed to be taken care of in accordance with law; but, as I have said, why not give us a chance to look into those ballot boxes?

You say the contest was a fair contest. I will show you what kind of a contest it was. Why, do you know that the reporter that came there for Mr. Kunz, a court reporter, in the process of that examination that took place there, they even stopped Granata's commissioner from making objections. I want to read you something. The question came up in regard to these marks on the ballot, and the commissioner for Mr. Kunz would say, "The pencil mark is not right; it does not coincide with the other mark."

Granata would say it is all right, and then what happened? The reporter was instructed by the commissioner and Mr. Kunz not to take down the statements that were made by Granata; and I will show you here in the record exactly how it reads, and I will show you the part that Kunz took in this, which no Democrat here will approve of. Mr. Kunz must have been sitting up at the table. Here is the regular reporter sitting here, and here is the judge sitting over here, and here is Mr. Kunz. Mr. Euzzino tried to make some statement. He said, "Let the record show"—and then the commissioner for Kunz, that is, his notary public, said, "I instruct you, Mr. Reporter, to disregard any statements made by the commissioner for Mr. Granata." Not only that, but Mr. Kunz, sitting up there at the table, at his own election contest, and the reporter was supposed to come from the court, not from Kunz, said, "I have instructed our stenographer to take nothing put in here by them."

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. KERR. Mr. Speaker, I yield the gentleman one minute more in order to ask him a question. The gentleman will remember that Euzzino was elected by Granata as his commissioner.

Mr. CAMPBELL of Iowa. That is correct.

Mr. KERR. Why did not Euzzino, in his time, after Kunz had taken evidence, bring in some evidence for Granata?

Mr. CAMPBELL of Iowa. That is a fair question, but the gentleman well knows that he did not do it. He well knows that he was standing on the proposition that we, as Members here, as members of this committee, should be the ones who would pass on this matter, and I want to go a little further, and I will tell you that they took down stenographic reports on their side, and they brought them down here, but the Clerk only filed the original report.

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

Mr. KERR. I yield the gentleman two minutes more.

Mr. CAMPBELL of Iowa. Just one more matter, and that is the question of erasures. In order to have straight ballots, I will show you from the record that Granata's men said, "Here is the ballot, and this shows there have been erasures here and Granata has been written in the ballot and erased." That was the claim by Granata's men, and it was claimed on the other side that that is not so, that it was just a blur. And you say to us that we are not to go into those ballots? I have sat on election contests time and again in the State legislature; and when it comes to a question of fraud, when it comes to substituting the name of Granata and erasures on these ballots, do not you believe it that we will not find it out, and that is the reason I come here before this body and say that we have not finished our job. It is a vital matter to the country and to every one of you people here, and I only ask the gentleman from South Carolina to be fair when he comes to vote to-day. They will say to you, "Oh, the integrity of the ballots," but do not let them get you on that.

Mr. HARE. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Iowa. Yes.

Mr. HARE. I merely rise to say to the gentleman that I shall be fair in my vote.

Mr. CAMPBELL of Iowa. I think the gentleman will be. They say that we have not the time. They said the same thing when I voted with the Democrats—the Republicans did. They said, "What is the use of getting those ballots? We are rushed here in the session, and the thing for us to do is to get our business finished up. We have the fraud and let us go." I say, "No; I am going to vote with Judge KERR and with Mr. HALE," and I voted with them, and I shall vote with them again, only when they are right. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

Mr. KERR. Mr. Speaker, I yield 45 minutes to the gentleman from Arkansas [Mr. MILLER].

Mr. MILLER. Mr. Speaker, it is a matter of very little concern as to who is seated here from an individual standpoint. From the standpoint of the integrity of the House and the standpoint of the national interest involved, it is a matter of considerable moment. When any man comes to this House, be he Republican or Democrat, he should come here with a credential that is spotless, with a credential that is not stained with fraud, with a credential against which no man can say aught. In this case it matters not to me whether this district is composed of Polish people, Italian or whatnot. I take it that it is composed of American citizens, and that American citizens have a right to representation in this House, that the will of the majority of the citizens in that district should prevail. The only question here is, What did happen, what is the will of the majority? It is not whether Mr. Kunz is a Democrat or whether Mr. Granata is a Republican. I say to you it matters not to me. It is true that I have not been here long, but I want you to believe me when I say to you that I do not look at this question from a partisan standpoint. Every contest, every trial in a court of justice, every contest that is waged in this House, should have only one end in view, and that end should be to determine the facts, and once the facts are determined then the House in its wisdom and in its patriotism can render a just judgment. That is all that anyone has a right to demand, it is all the contestant has a right to demand, and it is all the contestee can ask.

What are the facts in this case? We have the unofficial returns showing Mr. Granata elected by thirteen hundred and some-odd votes. Mr. Kunz filed a petition before the board of election commissioners alleging certain irregularities. Mind you, under the laws that election commission could not go behind the returns, could not go behind the tally sheet. They were convened, and they had before them certain judges and certain clerks. The result was that the majority was reduced to 1,171. Those election commissioners found that in one ward the election judges in making the returns had failed to certify 100 votes to Kunz. In other words, they had certified the Kunz vote as 94 when it should have been 194. That fraudulent act was shown.

It is admitted that the judges and clerks in another precinct made the return show Kunz as having only 12 votes when he should have had 62; and in another case the testimony showed another hundred votes failed to be given to Kunz, to whom they belonged. Upon that the election commissioners did everything that they could do; they did their duty. They could not go into the ballots; they could not examine them. The only thing that they could do was to correct the patent errors that appeared upon the face of the returns; and that was what they proceeded to do. That reduced the majority to 1,171. Then this contest was filed.

A great deal of argument has been made that there is no testimony here to warrant the opening of the ballot boxes. I want to say to you that fraud vitiates everything it touches; that the uncontradicted testimony and the uncontradicted record in this case are that there was fraud committed by the judges and the clerks.

That was revealed in the hearing before the election commissioners. Lawyers answer back and say that is not a part of this record. I answer back and say that the record was made by the contestee. On page 20 of the record, in his answer to the petition of contest he invoked that hearing before the election commissioners and made it a part of it, thus bringing into this record the testimony that was taken before the election board. Then what happened? On the 23d day of January a subpœna had been served—and that was the day for the beginning of the taking of testimony; and then it was that they were met with a restraining order holding these ballots intact and preventing anyone from interfering; that prevented anyone from opening the ballot boxes. Mind you, this order was not against the contestant, it was against the election commissioners and anyone else. They talk about time expiring! I say to you, Mr. Speaker, that beginning on page 23 of the record and continuing down to page 146 you will find 33 different appearances by the attorneys representing the contestant in this case striving to get action, striving to get testimony, and confronted at every turn by dilatory tactics and by orders, writs of prohibition, and writs of injunction issued by the courts. That is why the delay happened. And, finally, we find this happening: Judge Jarecki, who is the county judge in that county, set aside his order, released his order so as to permit the opening of those ballot boxes. Then what happened? We find the contestee going before Judge Brothers, a circuit judge, and obtaining a writ of prohibition. That procedure took place on September 2. The contestant went before Judge Brothers and in an ex parte proceeding and upon only two hours' notice to attorneys, Judge Brothers issued a writ of prohibition prohibiting anybody from touching those ballots, and then left on a vacation until the latter part of September.

The next day the matter came on before Judge Trude upon the petition of the contestant for the dissolution of that order, and I quote you now what Judge Trude said:

> Now, in this case, I seriously doubt that Judge Brothers, if you had had a chance to argue before him, I seriously doubt that he would have granted this writ. The result has been that it has tied up the election commissioners from proceeding with an ordinary proceeding. It is an unfortunate proceeding in my judgment that another judge should enter a writ of prohibition against the election commissioners preventing them doing what they by law are bound to do. Now, as to the right of Granata in this matter as indicated in my discussion with Mr. Libonati, his rights can be protected if Mr. Kunz has failed in any respect to do what Congress required him to do in respect to conditions precedent.
>
> Congress may act accordingly and take such action as in its judgment they see fit.

The judge then went ahead and set aside the order of Judge Brothers.

Then what happened? It looked as if the coast was clear for further action. On September 4, the next day, for some reason or other the contestee did not want the ballots opened; he did not want a recount for some reason or other, and on September 4, what do we find? We find him going before the United States district court in the city of Chicago, before Judge Barnes, and filing a petition for a writ of prohibition. That judge heard the case, and after hearing the arguments in full rendered the opinion which is in the record. In the course of that opinion Judge Barnes dismissed the writ of prohibition and said that under the law the contestant had a right to have those ballots examined, to have those ballots counted, and the result certified to the Congress for its action. That was the solemn opinion of Judge Barnes, of the district court in the city of Chicago. But what else happened?

Mr. BURTNESS. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. BURTNESS. With reference to the matter of the commissioner acting, has he any greater power than simply to take the testimony, certify it, and transmit it to Congress?

Mr. MILLER. I will get to that later.

Mr. BURTNESS. I am very anxious to know whether he has any judicial power.

Mr. MILLER. I will answer that. After the proceedings in the district court of the United States were dismissed, then they proceeded to have hearings before the two notary publics. And let me say this to you about these two notary publics: Under the statute of the United States the contestant has a right to select a notary public; the contestee then has a right to select a notary public and they act in conjunction. That is the statute. Then these two notary publics started in to have a count, and what do we find happened? That was on September 11. Kunz was there, Granata was there, and they were all represented by attorneys. They delayed the matter, through first one way and then another, until another petition could be filed before Judge Feinberg, one of the circuit judges. Then what happened? Several hours passed and another petition was taken up before Judge Normoyle, another circuit judge, and finally, when every avenue of escape from a recount had been tried, and when everything had been resorted to, then it was that they went into this hearing with this brazen statement that the whole thing is a matter over which you have no jurisdiction, the time has expired, and we simply object to proceeding any further at all. Talk to me about being fair.

Then we come on down to the recount. I want to call your attention to page 37 of this record. They talk to you about who conducted this recount. Let us see who conducted it. Chairman Maguire said:

> Immediately after the adjournment the board of election commissioners met with the attorney for the board.

Now, the attorney for the board was Governor Dunne, of Illinois, and, mind you, the first thing that happened when the subpœna duces tecum was issued and served upon this board to produce those ballots they asked for a legal opinion from Governor Dunne as to whether they should respect that subpœna, and he said:

> Yes; you have to obey that subpœna under the penalties contained in the statutes of the United States.

Chairman Maguire then said:

> On his advice, the board has agreed to go ahead and submit itself to the questions of the commissioner in regard to this contest and, in so far as the ballots or records are concerned, the board of election commissioners simply takes the stand that its records are to remain—

Listen to this, gentlemen—

> in their custody while any examination is being made.

Then Governor Dunne said:

> And not to be handled or touched.

Talk to me about this muscling around there; of these strong-arm methods. I want to say this to you, and the record bears me out, that the strong-arm methods that have entered into this case came from the watchers of the contestee, as I will show you later. Governor Dunne said, further:

> And not to be handled or touched by anybody else but the board.

Who was doing this counting? Oh, it is said that the notary public was doing it. The board of election commissioners had charge of this thing; and, as Governor Dunne announced at the very beginning, the ballots were to remain in their custody and not to be handled by anyone else.

Now, what else happened? The count started. Let us go to page 80 of the record. So much confusion has been created that Judge Jarecki found it necessary to intervene through his judicial powers and restore order. Here is what happened. Here is what Judge Jarecki, ex officio chairman of the election commissioners, said:

> Now, in view of the fact that Congress will not convene until December, you have ample time to get your matter out of the way and, in view of the fact I have this contest pending—

This was a contest, gentlemen, that was pending with respect to certain municipal judges. Let me stop here long enough to say that at this time there were pending in the city of Chicago two contests for the office of municipal judge and all the ballots in the entire Cook County had been enjoined under that contest, and that was the contest that Judge Jarecki is speaking about when he says that he had to take care of the other contestant. Then he says:

I do not want to list an order, because it will complicate matters on these contests and, in view of the fact that I am going to be able to dispose of it within a very short time now, I do not want to complicate it. If it had not been for the other work of this court—namely, the tax matters—we probably would have had this out of the way quicker.

Mr. LAVERY. I ask another question: If your honor releases the impounding order, so far as our case is concerned, as your honor suggested informally on the bench one day, it might be possible to put this district on as one unit in the municipal judges' contest.

Judge JARECKI. Yes.

Mr. LAVERY. Would that be a practical way?

Judge JARECKI. It would seem to me that would be just as good as any. If we come to that point, when the judicial contest is on, the McKinley versus McIntyre contest—

That was a judicial contest—

because that seems to be the only one, and I say that you are going to go ahead, then, such time as you find it convenient for you to be there, on that day I would say those precincts in which your district is located would go on the table at a certain time so that you could be present.

In other words, the ballots were impounded in the judicial election contest and as that contest proceeded, and when they reached a ward or a precinct in the eighth congressional district the ballots of the eighth congressional district were turned over and counted in this contest. Talk to me about the integrity of these ballots being destroyed, this is what happened.

It has been argued here by the gentleman from Illinois [Mr. CHIPERFIELD] in a very forceful argument, that there is no testimony here as to the integrity of the ballot being preserved up to the time this contest was instituted. I want to say this in reply, the gentleman spoke without any knowledge of the record.

I want to turn now to page 86 of the record and quote you what Mr. Tyrrell, the attorney for the contestee, said about the integrity of the ballots up to that time. This was at a time when he was appearing before Judge Brothers in an effort to have another writ of prohibition granted immediately before the recount started, and here is what Tyrrell said at that time, and mind you, Tyrrell is the attorney for the contestee:

So far as the contestants in the city for the eighth congressional district are concerned, this is between Peter C. Granata, the successful candidate, and Stanley Kunz, the defeated candidate. No harm can come from a continuance in any way.

At that time they were claiming that no harm could come and now they are claiming harm did come because they did not proceed within 40 days allowed under the statute.

No harm can come from a continuance in any way, because of the fact that if he has any rights they can be protected at the proper time, the time when the ballots will be recounted, and so he can not be hurt.

And listen to this on the integrity of the ballots that the gentleman from Illinois talked about so eloquently. Here is what he said:

We are keeping the integrity of the ballots preserved, and they will remain intact and in the hands of the committee appointed by Congress.

Mr. CROSSER. Who said that?

Mr. MILLER. Mr. Tyrrell, the attorney for Granata. Talked about blowing hot and cold——

Mr. GIFFORD. Will the gentleman yield there?

Mr. MILLER. Yes.

Mr. GIFFORD. May I suggest that the harm had already been done. They had waited six months and it would not do any harm to wait eight months because the harm had already been done.

Mr. MILLER. I agree with the gentleman that six months had expired, but who had caused that time to expire?

Mr. GRANATA. Will the gentleman yield?

Mr. MILLER. No.

What more could Kunz have done or any other contestant facing the conditions that he was facing there?

Mr. BOILEAU. The gentleman does not claim it was Mr. Granata's fault that there was delay there?

Mr. MILLER. Yes.

Mr. BOILEAU. Were not the ballots tied up in another contest?

Mr. MILLER. Yes; but the record further discloses the fact that the attorney representing Kunz and the attorney representing Granata made effort after effort to have the congressional ballots released, and mind you, gentlemen, this is an important point.

The congressional ballots were separate and distinct from the municipal ballots. In other words, the municipal ballots might have been enjoined, and the congressional ballots need not have been under the law. They were separate and distinct pieces of paper. The ballots for the municipal judges were separate from the congressional ballots.

Mr. SCHAFER. Will the gentleman yield?

Mr. MILLER. Not now. I will yield later. Now what else happened?

Now, I want to call your attention to page 247 of the record. When Judge Jarecki went back to the room where the examination was going on he there pointed out to them the procedure to be followed. He said in effect that whenever a box is opened—you have heard a great deal of talk about boxes coming in all unopened, with the covers torn off, and all that stuff—here is what happened. The ballot boxes were brought from the vault of the election commissioner into the room where the judicial contest was going on. The boxes were opened, and the ballots were taken out and laid on five tables. Who was doing that? The men employed by the Chicago election commissioners' office. Then what happened? If a box happened to be a box of the eighth congressional district it was carried over to another table, and men there took out the congressional ballots and proceeded to recount them. This was all in the same room, all at the same time, and the contestant and the contestee were there either in person or represented by attorneys or by watchers.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. MILLER. I yield.

Mr. DOUGLASS of Massachusetts. In order to clarify the situation, is there any truth in the statement by the gentleman from Illinois that the recount was conducted by paid agents of Mr. Kunz?

Mr. MILLER. The recount was conducted just as the law of Illinois says that it is to be conducted. The law says—I am not a resident of Illinois, I am not as familiar with the Illinois law as the distinguished gentleman from Illinois is—but the statute was enacted by the legislature of Illinois, and in effect it says that in all cases of contested elections they have the right to have the ballots opened and all errors in the count revised and corrected by the court, and that such ballots shall be opened in the presence of the officer having custody thereof. Now, the custody of the ballots is with the clerk.

Mr. DOUGLASS of Massachusetts. And the clerk represented the election board.

Mr. MILLER. Absolutely; he was the only representative that could have been there, unless the commissioners themselves had gone in and sat through the examination.

There was not a box opened in this case that the clerk of the election board in the city of Chicago was not present.

Mr. SCHAFER. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. SCHAFER. You have stated what the law of Illinois requires—does the law or the decisions in election contests indicate that a count can be made by a notary public selected by the contestant?

Mr. MILLER. In answer to the gentleman let me say that at the time this contest was going on, when the ballots were being counted before the tribunal, not the court but the election commissioner, Judge Jarecki, was in the same room; the congressional ballots were opened and examined before this same tribunal.

Mr. SCHAFER. If the law of Illinois and the court decisions of Illinois do not provide for the counting of an election contest by a notary public, then why cite the decisions of the Illinois courts in your argument?

Mr. MILLER. I did not cite them. The gentleman from Illinois [Mr. CHIPERFIELD] did, in an effort to show that the

integrity of the ballot box had been destroyed at the time they reached the hands of Mr. Rusch, who superintended the counting of them.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. MILLER. In a moment. If the integrity of the ballots in the congressional contest was impaired, it was likewise impaired in the McKinley-McIntire contest proceeding in the same room, and we have the anomalous situation of Mr. Tyrrell representing the contestee saying that those ballots are all right.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes.

Mr. CHINDBLOM. Does the gentleman mean to say that John J. Rusch, the clerk of the election commissioners, superintended this count? Did he superintend the recount in this congressional case?

Mr. MILLER. I mean to say that he was present; yes.

Mr. CHINDBLOM. But Judge Jarecki says that neither he nor any of his force had anything to do with it, and I have a personal telegram from another member of the board of commissioners to the same effect, and the gentleman knows that.

Mr. MILLER. I do not care about any telegram. I am talking to you about the record.

Mr. CHINDBLOM. And so am I; and the record shows that Judge Jarecki said that neither he nor any of his force had anything to do with it; that the recount was conducted by a notary public.

Mr. CAMPBELL of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes.

Mr. CAMPBELL of Iowa. The gentleman is not questioning the integrity of the ballots as they came before the commissioners and were counted, is he?

Mr. MILLER. I am not.

Mr. CAMPBELL of Iowa. Has the gentleman any records to show from any place that those ballots are not in the same condition now that they were at the time they counted them?

Mr. MILLER. I have not.

Mr. CAMPBELL of Iowa. Then why object to this Elections Committee counting those ballots also? Then we would know it was a fair count, because I am sure if Judge KERR and Mr. HARE were to count along with us we would have a fair count.

Mr. MILLER. Oh, there is no use of taking two bites at one cherry. These ballots have been counted. You have heard much about the disorder that existed there. I call attention to page 449 of the record. Granata is now speaking, not the contestee—his brother. He said:

All watchers for Granata, don't let anybody take any count of any ballots until I am there; sit on the ballots. Let the record show another mysterious sealing of the ballot box; that this is one of the ballot boxes of the thirty-third ward, a heavily Democratic ward, which was ordered mysteriously sealed by Stanley H. Kunz after many irregularities were observed.

Commissioner HOFFMAN. And a watcher for Granata was present all the time?

Mr. GRANATA. The integrity of the ballots is thus destroyed.

Yes; the integrity of the ballots was destroyed, and why? Because they were counting them. That is why he was claiming that the integrity of the ballots was destroyed. Mr. Speaker, I like to see orderly procedure, and if I have appeared zealous in this matter, it is not because of any personal interest that I have in the matter. I have been here only since the beginning of this session.

The few people that I have personally met I am fond of, but I say this to you in all sincerity, not from a partisan standpoint; I appeal to you from the standpoint of good citizenship, from the standpoint of the integrity of this House. Much has been said about the things that occurred, about the failure on the part of the contestant to take testimony to show fraud. Let us see why that was not done. Turn to page 535 of the record and let me call your attention to just one thing. Martin J. Solominski, a witness, was testifying, and here is what happened. He was a Republican judge of election that was called in for the purpose of showing the conditions that existed. Here is what occurred:

What capacity were you acting in at the polls of this precinct at the election?

Answer. Republican judge.

Mr. ZAIDENBERG. Object.

Commissioner HOFFMAN. What were your duties as Republican judge, Mr. Solominski?

The WITNESS. As judge of election—pardon me for not answering further questions; I just want to question the legality of this and whether it was really compulsory for me to come down here to-day.

Mr. ZAIDENBERG. Let me state you are under no obligation to answer questions of any kind. If you feel you do not want to testify and want to see counsel, I will ask an opportunity for you to see counsel.

Who was Zaidenberg? He was a watcher for the contestee, and I repeat what he said:

Let me state you are under no obligation to answer questions of any kind. If you feel you do not want to testify and want to see counsel, I will ask an opportunity for you to see counsel.

That witness retired upon the assurance of John William Granata that he would get him an attorney. After another witness had been examined, and after consulting counsel, furnished by John William Granata, the brother of the contestee, the witness came back into the room professing deafness, that he could not hear the testimony, that he could not hear the questions propounded to him.

Now turn to page 544 of the record. I just want to show you something there.

Mr. GRANATA. You can not ask him anything, because I have to have a qualified ruling on my objections, and I won't take yours. The time has come where this thing——

Commissioner HOFFMAN. Who replaced the ballots into the box?

Mr. GRANATA (shouting). He can't hear. How is he going to answer?

Mr. ZAIDENBERG (whispering in the ear of this deaf witness, who had suddenly gone deaf after talking to counsel for Granata—whispering into his ear). You don't know.

Yes, I don't know! That old answer, "I don't know," is a very safe answer when the witness is crowded. And so it goes on down the record.

Commissioner HOFFMAN. Are you through?

Mr. GRANATA. I am not through.

Mr. ZAIDENBERG. Just started.

Mr. GRANATA. You are excused, Mr. Witness; you may go.

Commissioner HOFFMAN. Mr. Solominski, I have not excused you.

Mr. GRANATA. Why don't you hit him with a sledge hammer?

Who said that? Granata. John Williams, I believe, is his name; yes. "Why don't you hit him?"

That is not all that happened there.

Mr. GIFFORD. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. GIFFORD. That was an orderly recount you spoke about, was it not?

Mr. MILLER. Yes; it would have been an orderly recount if there had not been fraud in the matter and if these witnesses had not been told by Granata's counters or by Granata's representative that they did not have to answer, and they had not suddenly gone deaf.

In the meantime a lady who was a judge was called to the witness stand. This same proceeding was had, the same occurrence had, as shown from page 539 of the record down to page 550 of the record. I want to say this in all fairness that until the gentleman will point out wherein the vote in this case is wrong——

Mr. HARE. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. HARE. Something has been said with reference to the integrity of the ballot. Would the gentleman mind if I reread the question that was propounded the attorney for the contestee during the hearing?

Mr. MILLER. I would be glad if the gentleman did so.

Mr. HARE. This question was asked:

Suppose the committee did not see fit to adopt the recount; what would be your suggestion as to the propriety of the committee ordering a recount of the ballots?

Mr. Sanders, the attorney for the contestee, said:

I think the committee would have one question to determine before having a recount made under its direction, and that question is the integrity of the ballot.

I propounded this inquiry:

Do you think that the integrity of the ballot is the only question?

Mr. SANDERS. Yes; I do. It is set out in our brief, but that would be a question for the committee to determine.

I made the further inquiry—and I might say that I was anxious to know about the integrity of these ballots:

Mr. Sanders, do you think the integrity of the ballots was in question before the recount?

Mr. SANDERS. Yes; I believe that the integrity of the ballots was in question before the recount; and it is still in question.

Mr. MILLER. Mr. Speaker, this question, reduced to its last analysis, is this: When the judges and clerks admit that changes have been made in the returns, and when upon a recount being had upon that testimony, reflecting the fact that a man was elected by 1,288 votes, exactly 3 more than the straight Democratic vote——

[Here the gavel fell.]

The SPEAKER. All time has expired.

Mr. CAMPBELL of Iowa. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Iowa offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Resolved, That the contested-election case of Stanley H. Kunz *v.* Peter C. Granata be recommitted to the Committee on Elections No. 3, with instructions either to recount such part of the vote for Representative in the Seventy-second Congress from the eighth congressional district of Illinois as they shall deem fairly in dispute, or to permit the parties to this contest, under such rules as the committee may prescribe, to recount such vote, and to take any action in the premises, by way of resolution or resolutions, to be reported to the House or otherwise, as they may deem necessary and proper.

The SPEAKER. The question is on the motion to recommit.

Mr. CAMPBELL of Iowa. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays, 186, answered "present 4, not voting 64, as follows:

[Roll No. 45]

YEAS—178

Adkins	Dallinger	Hope	Parker, N. Y.
Allen	Davenport	Hopkins	Partridge
Amlie	De Priest	Horr	Peavey
Andresen	Doutrich	Houston, Del.	Person
Arentz	Dowell	Howard	Pittenger
Bachmann	Dyer	Hull, Morton D.	Pratt, Harcourt J.
Baldridge	Eaton, Colo.	James	Pratt, Ruth
Barbour	Eaton, N. J.	Jenkins	Ramseyer
Beck	Englebright	Johnson, S. Dak.	Ransley
Beedy	Erk	Johnson, Wash.	Reed, N. Y.
Bohn	Estep	Kading	Rich
Boileau	Evans, Calif.	Kahn	Robinson
Bolton	Finley	Kelly, Pa.	Rogers, Mass.
Bowman	Fish	Kendall	Schafer
Britten	Frear	Ketcham	Seger
Brumm	Free	Kinzer	Seiberling
Buckbee	Fuller	Knutson	Selvig
Burtness	Garber	Kopp	Shott
Butler	Gibson	Kvale	Simmons
Cable	Gifford	LaGuardia	Sinclair
Campbell, Iowa	Gilbert	Lambertson	Smith, Idaho
Carter, Calif.	Gilchrist	Langford, Va.	Snow
Carter, Wyo.	Golder	Leavitt	Sparks
Cavicchia	Goodwin	Lehlbach	Stafford
Chase	Goss	Loofbourow	Stalker
Chavez	Guyer	Lovette	Strong, Kans.
Chindblom	Hadley	Luce	Summers, Wash.
Chiperfield	Hall, N. Dak.	McClintock, Ohio	Swanson
Christgau	Hancock, N. Y.	McGugin	Swick
Christopherson	Hardy	McLaughlin	Swing
Clague	Hartley	McLeod	Taber
Clancy	Haugen	Maas	Tarver
Clarke, N. Y.	Hawley	Manlove	Temple
Cole, Iowa	Hess	Mapes	Thatcher
Colton	Hoch	Michener	Thurston
Connolly	Hogg, Ind.	Millard	Tilson
Cooke	Hogg, W. Va.	Mouser	Timberlake
Cooper, Ohio	Holaday	Nelson, Me.	Tinkham
Crail	Hollister	Nelson, Wis.	Treadway
Crowther	Holmes	Niedringhaus	Underhill
Culkin	Hooper	Nolan	Wason
Watson	Whitley	Wolcott	Wyant
Weeks	Wigglesworth	Wolfenden	Yates
Welch, Calif.	Williamson	Wolverton	
White	Withrow	Woodruff	

NAYS—186

Allgood	Dickstein	Kemp	Pettengill
Almon	Dies	Kennedy	Polk
Arnold	Disney	Kerr	Prall
Auf der Heide	Dominick	Kleberg	Ragon
Bankhead	Doxey	Kniffin	Rainey
Barton	Drewry	Lambeth	Ramspeck
Beam	Driver	Lanham	Rankin
Black	Ellzey	Lankford, Ga.	Rayburn
Bland	Eslick	Lea	Reilly
Blanton	Evans, Mont.	Lewis	Rogers, N. H.
Bloom	Fernandez	Lichtenwalner	Romjue
Boehne	Fiesinger	Linthicum	Rudd
Boland	Fishburne	Lonergan	Sabath
Boylan	Fitzpatrick	Lozier	Sanders, Tex.
Brand, Ga.	Flannagan	Ludlow	Sandlin
Briggs	Fulbright	McClintic, Okla.	Schuetz
Browning	Fulmer	McCormack	Shallenberger
Brunner	Gambrill	McDuffie	Shannon
Buchanan	Garrett	McKeown	Sirovich
Bulwinkle	Gasque	McMillan	Smith, Va.
Burch	Gavagan	McReynolds	Smith, W. Va.
Busby	Glover	Major	Somers, N. Y.
Byrns	Goldsborough	Maloney	Spence
Canfield	Granfield	Mansfield	Steagall
Cannon	Green	May	Stevenson
Carden	Greenwood	Mead	Stewart
Carley	Gregory	Miller	Sullivan, N. Y.
Cartwright	Griffin	Milligan	Sumners, Tex.
Cary	Griswold	Mitchell	Sutphin
Celler	Hall, Miss.	Mobley	Swank
Clark, N. C.	Hancock, N. C.	Montague	Sweeney
Cochran, Mo.	Hare	Montet	Taylor, Colo.
Cole, Md.	Hart	Moore, Ky.	Thomason
Condon	Hastings	Morehead	Tierney
Connery	Hill, Ala.	Nelson, Mo.	Vinson, Ky.
Cooper, Tenn.	Hill, Wash.	Norton, Nebr.	Warren
Corning	Hornor	Norton, N. J.	Weaver
Cox	Huddleston	O'Connor	West
Cross	Jacobsen	Oliver, Ala.	Whittington
Crosser	Jeffers	Oliver, N. Y.	Williams, Mo.
Crowe	Johnson, Mo.	Overton	Williams, Tex.
Crump	Johnson, Okla.	Palmisano	Wilson
Cullen	Johnson, Tex.	Parker, Ga.	Wingo
Davis	Jones	Parks	Wright
Delaney	Karch	Parsons	Yon
DeRouen	Keller	Patman	
Dickinson	Kelly, Ill.	Patterson	

ANSWERED "PRESENT"—4

Coyle	French	Granata	Woodrum

NOT VOTING—64

Abernethy	Curry	Kurtz	Reid, Ill.
Aldrich	Darrow	Lamneck	Sanders, N. Y.
Andrew, Mass.	Dieterich	Larrabee	Schneider
Andrews, N. Y.	Doughton	Larsen	Shreve
Ayres	Douglas, Ariz.	Lindsay	Snell
Bacharach	Douglass, Mass.	McFadden	Stokes
Bacon	Drane	McSwain	Strong, Pa.
Beers	Foss	Magrady	Sullivan, Pa.
Brand, Ohio	Freeman	Martin, Mass.	Taylor, Tenn.
Burdick	Gillen	Martin, Oreg.	Tucker
Campbell, Pa.	Haines	Moore, Ohio	Turpin
Chapman	Hall, Ill.	Murphy	Underwood
Cochran, Pa.	Harlan	Owen	Vinson, Ga.
Collier	Hull, William E.	Perkins	Welsh, Pa.
Collins	Igoe	Pou	Wood, Ga.
Crisp	Johnson, Ill.	Purnell	Wood, Ind.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Darrow (for) with Mr. Wood of Georgia (against).
Mr. Aldrich (for) with Mr. Dougton (against).
Mr. Cochran of Pennsylvania (for) with Mr. McSwain (against).
Mr. Campbell of Pennsylvania (for) with Mr. Drane (against).
Mr. French (for) with Mr. Ayre (against).
Mr. Bacharach (for) with Mr. Crisp (against).
Mr. Purnell (for) with Mr. Gillen (against).
Mr. Andrews of Massachusetts (for) with Mr. Lindsay (against).
Mr. Martin of Massachusetts (for) with Mr. Douglass of Massachusetts (against).
Mr. Shreve (for) with Mr. Collier (against).
Mr. Johnson of Illinois (for) with Mr. Igoe (against).
Mr. Taylor of Tennessee (for) with Mr. Chapman (against).
Mr. Reid of Illinois (for) with Mr. Abernethy (against).
Mr. Hall of Illinois (for) with Mr. Tucker (against).
Mr. McFadden (for) with Mrs. Owen (against).
Mr. Coyle (for) with Mr. Vinson of Georgia (against).
Mr. William E. Hull (for) with Mr. Larrabee (against).
Mr. Andrews of New York (for) with Mr. Lamneck (against).
Mr. Stokes (for) with Mr. Haines (against).
Mr. Murphy (for) with Mr. Dieterich (against).
Mr. Magrady (for) with Mr. Harlan (against).
Mr. Snell (for) with Mr. Pou (against).
Mr. Foss (for) with Mr. Larsen (against).
Mr. Moore of Ohio (for) with Mr. Underwood (against).
Mr. Wood of Indiana (for) with Mr. Woodrum (against)
Mr. Curry (for) with Mr. Martin of Oregon (against).
Mr. Bacon (for) with Mr. Douglas of Arizona (against).

Mr. WOODRUM. Mr. Speaker, I have a general pair with the gentleman from Indiana [Mr. Wood]. He was ill this afternoon and desired to leave the Chamber. I desire to withdraw my vote of "nay" and answer "present." If the gentleman from Indiana were present, he would vote "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. GIFFORD. Mr. Speaker, I offer the following substitute for the resolution.

The SPEAKER. The gentleman from Massachusetts offers a substitute for the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Peter C. Granata was elected a Representative to the Seventy-second Congress of the eighth congressional district of the State of Illinois.

The SPEAKER. The question is on agreeing to the substitute.

Mr. GIFFORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 189, answered "present" 5, not voting 68, as follows:

[Roll No. 46]

YEAS—170

Adkins	Dowell	Kading	Schafer
Allen	Dyer	Kahn	Seger
Amlie	Eaton, Colo.	Kelly, Pa.	Seiberling
Andresen	Eaton, N. J.	Kendall	Selvig
Arentz	Englebright	Ketcham	Shott
Bachmann	Erk	Kinzer	Simmons
Baldrige	Estep	Knutson	Sinclair
Barbour	Evans, Calif.	Kopp	Smith, Idaho
Beck	Finley	Kvale	Snow
Beedy	Fish	LaGuardia	Sparks
Bohn	Frear	Lambertson	Stafford
Boileau	Free	Lankford, Va.	Stalker
Bolton	Garber	Leavitt	Strong, Kans.
Bowman	Gibson	Lehlbach	Summers, Wash.
Britten	Gifford	Loofbourow	Swanson
Brumm	Gilchrist	Lovette	Swick
Buckbee	Golder	Luce	Swing
Burtness	Goodwin	McClintock, Ohio	Taber
Butler	Goss	McGugin	Temple
Cable	Guyer	McLaughlin	Thatcher
Carter, Calif.	Hadley	McLeod	Thurston
Carter, Wyo.	Hall, N. Dak.	Maas	Tilson
Cavicchia	Hancock, N. Y.	Manlove	Timberlake
Chase	Hardy	Mapes	Tinkham
Chindblom	Hartley	Michener	Treadway
Chiperfield	Haugen	Millard	Underhill
Christgau	Hawley	Mouser	Wason
Christopherson	Hess	Nelson, Me.	Watson
Clague	Hoch	Nelson, Wis.	Weeks
Clancy	Hogg, W. Va.	Niedringhaus	Welch, Calif.
Clarke, N. Y.	Holaday	Nolan	White
Cole, Iowa	Hollister	Parker, N. Y.	Whitley
Colton	Holmes	Partridge	Wigglesworth
Connolly	Hooper	Person	Williamson
Cooke	Hope	Pittenger	Withrow
Cooper, Ohio	Hopkins	Pratt, Harcourt J.	Wolcott
Crail	Horr	Pratt, Ruth	Wolfenden
Crowther	Houston, Del.	Ramseyer	Wolverton
Culkin	Hull, Morton D.	Ransley	Woodruff
Dallinger	James	Reed, N. Y.	Wyant
Davenport	Jenkins	Rich	Yates
De Priest	Johnson, S. Dak.	Robinson	
Doutrich	Johnson, Wash.	Rogers, Mass.	

NAYS—189

Allgood	Cartwright	Elzey	Hart
Almon	Cary	Eslick	Hastings
Arnold	Celler	Evans, Mont.	Hill, Ala.
Auf der Heide	Chavez	Fernandez	Hill, Wash.
Bankhead	Clark, N. C.	Fiesinger	Hornor
Barton	Cochran, Mo.	Fishburne	Howard
Beam	Condon	Fitzpatrick	Huddleston
Black	Connery	Flannagan	Jacobsen
Bland	Cooper, Tenn.	Fulbright	Jeffers
Blanton	Corning	Fuller	Johnson, Mo.
Bloom	Cox	Fulmer	Johnson, Okla.
Boehne	Cross	Gambrill	Johnson, Tex.
Boland	Crosser	Garrett	Jones
Boylan	Crowe	Gasque	Karch
Brand, Ga.	Crump	Gavagan	Keller
Briggs	Cullen	Gilbert	Kelly, Ill.
Browning	Davis	Glover	Kemp
Brunner	Delaney	Goldsborough	Kennedy
Buchanan	DeRouen	Granfield	Kerr
Bulwinkle	Dickinson	Green	Kleberg
Burch	Dickstein	Greenwood	Kniffin
Busby	Dies	Gregory	Lambeth
Byrns	Disney	Griffin	Lanham
Canfield	Dominick	Griswold	Lankford, Ga.
Cannon	Doxey	Hall, Miss.	Lea
Carden	Drewry	Hancock, N. C.	Lewis
Carley	Driver	Hare	Lichtenwalner
Linthicum	Moore, Ky.	Rayburn	Sutphin
Lonergan	Morehead	Reilly	Swank
Lozier	Nelson, Mo.	Rogers, N. H.	Sweeney
Ludlow	Norton, Nebr.	Romjue	Tarver
McClintic, Okla.	Norton, N. J.	Rudd	Taylor, Colo.
McCormack	O'Connor	Sabath	Thomason
McDuffie	Oliver, Ala.	Sanders, Tex.	Tierney
McKeown	Oliver, N. Y.	Sandlin	Vinson, Ky.
McMillan	Overton	Schuetz	Warren
McReynolds	Parker, Ga.	Shallenberger	Weaver
Major	Parks	Shannon	West
Maloney	Parsons	Sirovich	Whittington
Mansfield	Patman	Smith, Va.	Williams, Mo.
May	Patterson	Smith, W. Va.	Williams, Tex.
Mead	Pettengill	Somers, N. Y.	Wilson
Miller	Polk	Spence	Wingo
Milligan	Prall	Steagall	Wright
Mitchell	Ragon	Stevenson	Yon
Mobley	Rainey	Stewart	
Montague	Ramspeck	Sullivan, N. Y.	
Montet	Rankin	Sumners, Tex.	

ANSWERED "PRESENT"—5

Campbell, Iowa	French	Granata	Woodrum
Coyle			

NOT VOTING—68

Abernethy	Curry	Kurtz	Purnell
Aldrich	Darrow	Lamneck	Reid, Ill.
Andrew, Mass.	Dieterich	Larrabee	Sanders, N. Y.
Andrews, N. Y.	Doughton	Larsen	Schneider
Ayres	Douglas, Ariz.	Lindsay	Shreve
Bacharach	Douglass, Mass.	McFadden	Snell
Bacon	Drane	McSwain	Stokes
Beers	Foss	Magrady	Strong, Pa.
Brand, Ohio	Freeman	Martin, Mass.	Sullivan, Pa.
Burdick	Gillen	Martin, Oreg.	Taylor, Tenn.
Campbell, Pa.	Haines	Moore, Ohio	Tucker
Chapman	Hall, Ill.	Murphy	Turpin
Cochran, Pa.	Harlan	Owen	Underwood
Cole, Md.	Hogg, Ind.	Palmisano	Vinson, Ga.
Collier	Hull, William E.	Peavey	Welsh, Pa.
Collins	Igoe	Perkins	Wood, Ga.
Crisp	Johnson, Ill.	Pou	Wood, Ind.

So the substitute was rejected.

The Clerk announced the following additional pairs:

Mr. Darrow (for) with Mr. Wood of Georgia (against).
Mr. Aldrich (for) with Mr. Doughton (against).
Mr. Cochran of Pennsylvania (for) with Mr. McSwain (against).
Mr. Campbell of Pennsylvania (for) with Mr. Drane (against).
Mr. French (for) with Mr. Ayres (against).
Mr. Bacharach (for) with Mr. Crisp (against).
Mr. Purnell (for) with Mr. Gillen (against).
Mr. Andrew of Massachusetts (for) with Mr. Lindsay (against).
Mr. Martin of Masschusetts (for) with Mr. Douglass of Massachusetts (against).
Mr. Shreve (for) with Mr. Collier (against).
Mr. Johnson of Illinois (for) with Mr. Igoe (against).
Mr. Taylor of Tennessee (for) with Mr. Chapman (against).
Mr. Reid of Illinois (for) with Mr. Abernethy (against).
Mr. Hall of Illinois (for) with Mr. Tucker (against).
Mr. McFadden (for) with Mrs. Owen (against).
Mr. Coyle (for) with Mr. Vinson of Georgia (against).
Mr. William E. Hull (for) with Mr. Larabee (against).
Mr. Andrews of New York (for) with Mr. Lamneck (against).
Mr. Stokes (for) with Mr. Haines (against).
Mr. Murphy (for) with Mr. Dieterich (against).
Mr. Magrady (for) with Mr. Harlan (against).
Mr. Snell (for) with Mr. Pou (against).
Mr. Foss (for) with Mr. Larsen (against).
Mr. Moore of Ohio (for) with Mr. Underwood (against).
Mr. Wood of Indiana (for) with Mr. Woodrum (against).
Mr. Curry (for) with Mr. Martin of Oregon (against).
Mr. Bacon (for) with Mr. Douglas of Arizona (against).
Mr. Welsh of Pennsylvania (for) with Mr. Cole of Maryland (against).

Mr. WOODRUM. Mr. Speaker, I have a pair with the gentleman from Indiana, Mr. Wood. I desire to withdraw my vote of "no" and answer "present." The gentleman from Indiana, Mr. Wood, would have voted "aye" if present.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. ESTEP. Mr. Speaker, this resolution has two parts, and I would like to ask the Chair whether the resolution is to be voted on as a whole or whether it is to be divided.

The SPEAKER. Unless a demand is made for a division, the resolution will be voted on as a whole.

Mr. ESTEP. Mr. Speaker, I ask that the resolution be divided and that each part be voted on separately.

The SPEAKER. The Clerk will report the first part of the resolution.

The Clerk read as follows:

Resolved, That Peter C. Granata was not elected as Representative in the Seventy-second Congress from the eighth congressional district in the State of Illinois and is not entitled to the seat as such Representative; and—

Mr. BLANTON. Mr. Speaker, I make a point of order against the request that the reverse of this proposition has just been voted upon by a roll call of the House and the House determined that Mr. Granata was not elected and should not be seated.

The SPEAKER. Under the precedents of the House, a resolution of this kind can be divided, and the gentleman from Pennsylvania has asked for a division.

The question was taken; and on a division (demanded by Mr. ESTEP) there were—ayes 190, noes 163.

So, the resolution was agreed to.

The SPEAKER. The question is on the second part of the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Stanley H. Kunz was elected a Representative in the Seventy-second Congress from the eighth congressional district in the State of Illinois and is entitled to his seat as such Representative.

The question was taken, and the resolution was agreed to.

On motion of Mr. KERR, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

SWEARING IN OF MEMBER

Mr. STANLEY H. KUNZ appeared in the well of the House and took the oath of office as prescribed by law.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURDICK, for the balance of the week, on account of death in the family.

PHILIPPINE INDEPENDENCE

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks on the Philippine question.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOZIER. Mr. Speaker, yesterday the House, by a vote to 306 to 47, passed H. R. 7233, granting independence to the inhabitants of the Philippine Islands. I am proud of my vote in favor of this measure, though I am sorry those opposed to the bill prevented its being considered under the regular rules of the House, with full and free debate, and opportunity for any Member to offer amendments, if he so desired. But the temper of the House was so pronounced, and the sentiment in favor of the bill so overwhelming, that it was quite evident it would pass under suspension of rules by a very decisive vote. While but little time was consumed in debate when the bill was put on its passage, the question has been thoroughly discussed both in and out of Congress for 30 years, and the action of the House was in harmony with the well-considered judgment of the American people, and was a fulfillment of our national covenants.

The claim that the Filipinos are not capable of self-government is an ancient sophistry, as old as the struggle of men for personal and political freedom. It has been invoked and worked overtime by the governing classes since the beginning of time in order to withhold from citizens and subjects a participation in the affairs of their own Government. No republic has ever been established that did not have to combat this fallacy.

For more than three centuries the Filipino has lived in the shadow of the sword and under the monstrous nightmare of unremitting oppression. Subjected to exploitation and maladministration which were less sympathetic than the fangs of a famished timber wolf, the Filipino, with our help, has lifted his feet from the miry clay and is ready to come into his own. What red-blooded, liberty-loving, self-respecting American will strangle his ambitions or stand between him and independence?

With seeming candor we repeatedly assured the world that we were actuated by no selfish motives or imperialistic designs in taking over the Philippines; that our stay there would be short; that we would generously grant complete independence to our Filipino wards and the opportunity of working out their own destiny and developing a civilization and culture suitable to their needs and in harmony with their environment. If we continue to ignore this solemn covenant, if we equivocate longer, if we hide our intentions to retain sovereignty over the Philippines under the specious plea that they are not yet capable of self-government, if we hypocritically assert that in denying them early independence we are protecting and promoting their own economic interests, we will thereby confess our insincerity, sacrifice duty on the sharp edge of expediency, and earn the condemnation not only of our own people but of all other nations. We must not stultify ourselves by failing to keep faith with this deserving, confiding, and generous people who, by the fortunes of war, were thrown into the lap of our Republic.

The longer we postpone the fulfillment of our pledge to grant independence to the Filipinos the more difficult it will be to keep that promise. The longer we procrastinate the more powerfull will be the influence in favor of never relinquishing our sovereignty over them. Delay stimulates opposition and lends encouragement to those who favor retaining the islands for all time. Every year dulls our appreciation of our obligation to grant independence, adds to American investments in the Philippines, and the propaganda becomes more widespread in favor of delaying and ultimately denying self-government to these 13,000,000 brown-skinned men and women.

Despots and those who believe in the divine right of a favored few to govern the many have ever boldly proclaimed the incapacity of the so-called common people for self-government. If royalty and the nobility could have enforced their will, there would not be at this time a single republic in the world or one nation in which the masses have a worth-while part in the enactment and administration of the laws under which they live. Free governments exist not by the will or tolerance of kings and princes but over their protest, and because thoughtful men in all civilized nations have long since discovered the fallacy of the claim that the masses are not capable of self-government.

Every departure from autocracy and every extension of popular government have been accomplished in spite of the opposition and over the vehement protest of royalty and nobility. When movements for the more general participation of the people in affairs of state became formidable, and when kings and princes realized that active resistance might jeopardize their thrones, they adopted a policy of delay and procrastination, and that is the policy of those who would have us retain sovereignty over the Philippines. They urge delay. They say we should wait 10, 20, or 50 years, but if we should take them at their word, at the end of any of these periods they would want a similar extension of time for the fulfillment of our pledge to grant independence to the Filipinos. For 30 years this school of political thought has preached the cynical doctrine of procrastination, postponement, and indefinite delay.

Our English ancestors, in their struggle for political rights, encountered this same age-old argument, that they were not sufficiently advanced to help, make, and administer their own laws. From the Norman conquest to this good day, practically every English king, whether Norman, Plantagenet, Lancastrian, Yorkist, Tudor, Stuart, Orange, or Hanoverian, has viewed with alarm and looked with disfavor on the growth of democratic sentiment, and whenever possible has questioned the capacity of his subjects for self-government. Every student of history well knows that the freedom of the English-speaking race was won at the point of the sword on sanguinary battlefields, over the protests of the ruling classes who never ceased to contend that a monarchy was the best form of government, and that the masses, however enlightened, educated, and cultured, were incapable of making laws under which they live.

If we follow the advice of the intelligentsia that is so vigorously opposing our early withdrawal from the Philippines, I imagine many generations will wax and wane before that group or their successors would concede the qualifications of the Filipino for self-government. Under their plan, no matter what progress the Filipinos may make in mastering the science of self-government, this cluster of experts will always be able to find some pretext for denying or delaying the

establishment of a Filipino republic. Their proposition means nothing but delay and, if possible, ultimate denial of independence. It would be about as definite and satisfactory as a turtle race from Cape Prince of Wales to Patagonia, via Hollywood, Tishomingo, Panama, Lake Titacaca, and Buenos Aires.

As a self-respecting nation, our dealings with other nations, and especially with a subject race, should always be gilded by the alchemy of sincerity and consistency. The character and reputation of a nation, like the character and reputation of an individual, depend on what is done rather than on what is intended. Good intentions count for but little unless and until they are translated into good deeds. A lofty purpose is fruitless when it finds no expression in action and accomplishment.

After an age-long carnival of Spanish usurpation and unabating oppression, the United States snatched the Philippines from the savage lordship of Spain. In paying Spain $20,000,000 for the relinquishment of her sovereignty we did not buy the souls, or even the bodies, of the native inhabitants. Before the treaty of Paris the Filipinos had the God-given right to oppose Spanish sovereignty and to seek absolute independence. This inherent right was not lost by the transfer of sovereignty from Spain to the United States. When we jockeyed and bargained with Spain over the spoils of war and the fruits of victory, we were not trying to extinguish the candle of liberty that the Filipinos had kept burning, though perhaps dimly, through centuries of oppression, and we acquired no right to suppress or limit their aspirations for independence. In view of our promises, the people of the Philippines have as strong a legal and moral right to claim independence now as when the Spanish flag floated over them. The fact that our rule has been more humane, benevolent, and helpful does not estop them from seeking to establish a Filipino republic or foreclose their rights to demand complete independence.

During the long, dreary ages of Spanish misgovernment the patient, plodding, and exploited Filipino, his neck bent low by the iron yoke of oppression, dreamed of a better day when out of the drab and gloomy skies of the Orient would break forth the sun of liberty with national life and racial inspiration in its beams.

An irrevocable decision by the American Government to permanently hold the Philippines will light a flash of frenzy in the Orient and transmute the affection of the Filipino for us into a hatred so intense that it will never be eradicated.

In attempting to hold the Philippines for all time or for an indefinite or long-extended period we are playing with fire and are in grave danger of being scarred by its fierce blaze.

Let us give the Filipino a chance to stand on his own feet, build his own republic, work out his own destiny, and rear a culture and civilization suitable to his needs and in harmony with his oriental environment, though, of course, it will be tremendously influenced by and follow along the lines of western civilization.

We can no more deprive the Filipino of God-given right of independence than we can escape the fury of a mountain lioness if we should attempt to carry off her cubs. To violate our promise to give the Philippines self-government will place a stain on our escutcheon that generations will not efface.

Who can fathom the subtle purposes of those who unremittingly oppose self-government for the Philippines? Why their passivity? Why do they not come out in the open and say frankly that they oppose the relinquishment of our sovereignty over the Philippines, now or at any time hereafter? Their policy of delay is inexplicable on any theory except that of permanent retention of the Philippines. Their failure to advance a specific and constructive Philippine policy, their unwillingness to "get down to brass tacks" and make a definite commitment, and their enigmatic attitude as to ultimate Filipino independence justify the conclusion that they are hostile to Philippine independence now or at any time in the future.

The twentieth century Filipinos have moved out of and away from the tracks in which their forefathers traveled for ages. They are forward-looking. They have imbibed the spirit and caught the vision of the Western world. Jason-like they have set out in quest of the golden fleece, with which to redeem their birthright of freedom, of which they have been despoiled for three centuries. They fain would drink the wine of liberty from the Holy Grail of self-government. Who will halt their steps, stay their hands, or silence their appeal?

In the heart of the Filipino there is a chamber and a shrine dedicated to the Goddess of Liberty. Shall our action render that chamber tenantless? By our edict shall no incense rise from that shrine? Shall we deliberately suppress the aspirations of 13,000,000 human beings for the same kind of liberty and self-government we enjoy? Shall the hunger of the Filipino for independence be left unsatisfied? Further delay in granting self-government to the Philippines is a denial of such self-government.

With a flawless faith in the American people, the Filipinos are standing on the mountain top of expectation, looking for the sun of freedom to rise on the horizon of their national life. God grant that their vision may not be obscured by low-hanging clouds of delay and disappointment, and that their inspiring anticipations may not sink in the somber shadows of a cheerless night!

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the Philippine question.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. Mr. Speaker, our policy as to Philippine independence was settled several years ago. Every President since the islands came to us under the treaty of Paris has held out promises of ultimate independence to the Filipino people. President McKinley set forth our benevolent intentions and said:

> The Philippines are ours not to exploit but to develop, to civilize, to educate, to train in the science of self-government. This is the path of duty which we must follow or be recreant to a mighty trust committed to us.

In January, 1908, President Roosevelt said in his message to Congress:

> The Filipino people, through their officials, are therefore making real steps in the direction of self-government. I hope and believe that these steps mark the beginning of a course which will continue until the Filipinos become fit to decide for themselves whether they desire to be an independent nation.

President Taft, while Secretary of War, in 1908, set forth his views in the following language:

> If the American Government can only remain in the islands long enough to educate the entire people, to give them a language which enables them to come into contact with modern civilization, and to extend to them from time to time additional political rights so that by the exercise of them they shall learn the use and responsibilities necessary to their proper exercise, independence can be granted with entire safety to the people.

In 1913 President Wilson, in his message to the Filipino people said:

> We regard ourselves as trustees acting not for the advantage of the United States but for the benefit of the people of the Philippine Islands. Every step we take will be taken with a view to ultimate independence of the islands and as a preparation for that independence.

Later, President Coolidge, in a letter to the Speaker of the Philippine House of Representatives, said:

> It is not possible to believe that the American people would wish to continue their responsibility in regard to the sovereignty and administration of the islands. It is not conceivable that they would desire, merely because they possessed the power, to continue exercising any measure of authority over a people who could better govern themselves on a basis of complete independence.
>
> If the time comes when it is apparent that independence would be better for the people of the Philippines from the point of view of both their domestic concerns and their status in the world, and if when that time comes the Filipino people desire complete independence, it is not possible to doubt that the American Government and people will gladly accord it.

Sixteen years ago we enacted a law, approved July 29, 1916, which definitely established our policy in declaring it to be the purpose of the American people to withdraw sovereignty of the Philippine Islands and recognize their independence as soon as a stable government could be established. In 1920 President Wilson, in his message to Congress, certified that the condition precedent had been complied with in the following language:

Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf and have thus fulfilled the condition precedent set by the Congress as precedent to a consideration of granting independence to the islands. I respectfully submit that this condition precedent having been fulfilled, it is now our liberty and our duty to keep our promise to the people of those islands by granting them the independence they so honorably covet.

Having proceeded thus far our Government can not ignore the policy solemnly incorporated into law or violate its promises.

It is my personal belief that mistakes in policy were made when promises were held out and when Congress passed the act of July 29, 1916. But every Congress has recognized the force and effect of the law as it stands and no effort has been made to change it in any particular. However, I can not bring myself to the point where I can justify my country in failing to carry out a solemn pledge. Concerning this point former President Roosevelt stated in 1915:

Personally I think it is a fine, a high thing for a nation to have done such a deed (our work in the Philippines) with such a purpose. But we can not taint it with bad faith. If we act so that the natives understand us to have made a definite promise, then we should live up to that promise.

The only question open under our fixed policy is when and how independence will be made effective. The Senate bill giving independence in about 19 years is to be preferred to the House bill. I think a 30-year period for adjustment would be better.

Both the House and the Senate bills safeguard the immediate interests of this country. A constitution satisfactory to the President must be adopted. We retain control during the period of transition and economic adjustments; we retain naval, coal, and commercial bases, with rights to be fixed by treaty agreement. The debts of the Philippines, the Provinces, municipalities, and all instrumentalities must be taken care of and the United States released of any obligations whatsoever. The same rights and privileges must be granted to citizens of the United States as to the citizens of the Philippine Islands.

The Filipino people must vote as to acceptance of independence. It is my opinion that after due consideration of the economic benefits that accrue through connection with the United States and in view of the great danger of maintaining an independent existence in a section of the world surcharged with national ambitions, the Filipinos will decide not to sever their relations with this country.

At the time of the consideration of the Hare bill the temper of the House Members was such that a proposal to grant immediate independence would have passed by an overwhelming majority. Under these circumstances we did well to follow the course we did.

There is a question, however, in connection with this legislation that should not be overlooked, although its determination is for the judicial department rather than the legislative. We can not, however, refuse to pass legislation because of legal objections unless the justification is clear and unequivocal. The legal objection to this bill is not entirely clear or free from doubt. But let us look at the question and not leave the Congress in the position of having failed to give it any consideration.

In no other instance than that of the Philippines has Congress attempted to approve the alienation of territory to which our sovereignty has attached. There is a doubt if the Congress is empowered to alienate the sovereignty of the United States. That power in a republic is inherent in the people alone. Our Government, in form and substance, emanates from them. Its powers are granted by them. Unless the people have delegated the authority expressly or by implication, Congress has no power to do what is attempted by this measure.

Spain ceded the Philippines to the United States. The Supreme Court, speaking through Chief Justice Fuller, said:

The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic, and none securing to them the right to choose their nationality. Their allegiance became due to the United States, and they became entitled to its protection.

The Philippines, like Porto Rico, became by virtue of the treaty ceded conquered territory or territory ceded by way of indemnity. * * * The Philippines were not simply occupied, but acquired, and, having been granted and delivered to the United States by their former master, were no longer under the sovereignty of any foreign nation.

The sovereignty of Spain over the Philippines and possessions under claim of title had existed for a long series of years prior to the war with the United States. The fact that there were insurrections against her, or that uncivilized tribes may have defied her will, do not affect the validity of her title. She granted the islands to the United States, and the grantee in accepting them took nothing less than the whole grant.

The Philippines became United States territory and our sovereignty attached.

Our sovereignty is in the people. Concerning this Chief Justice Jay said in the case of Chisholm *v.* Georgia (2 U. S. 419, 471):

Sovereignty is the right to govern; a nation or state sovereign is the person or persons in whom that resides; in Europe the sovereignty is generally ascribed to the prince; here it rests with the people; there the sovereign actually administers the government; here, never in a single instance; our governors are the agents of the people and at most stand in the same relation to their sovereign in which regents in Europe stand to their sovereigns. Their princes have personal powers, dignities, and preeminences; our rulers have none but official; nor do they partake in the sovereignty otherwise or in any other capacity than as private citizens.

To the same effect was the holding of the court in Yick Wo *v.* Hopkins (118 U. S. 356, 369).

Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.

If power to alienate territory of the United States exists in Congress, such authority must be found in the Constitution.

What is the rule in determining whether or not Congress is empowered under the Constitution to alienate any part of the United States where sovereignty is vested? Mr. Justice Story answers the question in his Commentaries on the Constitution.

Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution; if it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an express power and necessary to its execution; if it be, then it may be exercised by Congress. If not, Congress can not exercise it. (Quoted with approval in United States *v.* Harris, 106 U. S. 629, 641.)

Applying this test we find the power to alienate is not expressed in the Constitution. It is not an incident to any expressed grant; it can not be implied from any expressed power.

An attempt was made to incorporate such a power and this was rejected by the framers. Gov. Edmund Randolph, in discussing an amendment proposed to a Virginia convention, said:

There is no power in the Constitution to cede any part of the Territories of the United States.

This is the view taken by Thomas Jefferson when as Secretary of State he reported to President Washington on the subject of proposed negotiations between the United States and Spain as to the ascertainment of our right to navigate the lower part of the Mississippi as follows:

We have nothing else (than a relinquishment of certain claims on Spain) to give in exchange. For as to territory, we have neither the right nor the disposition to alienate an inch of what belongs to any member of our Union. Such a proposition, therefore, is totally inadmissible and not to be treated for a moment.

The only implication of power worthy of argument is found in paragraph 2, section 3, Article IV of the Constitution, which reads:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be construed as to prejudice any claims of the United States or any particular State.

It may be argued by some that by virtue of the word "dispose" in this section, Congress is authorized to alienate sovereignty, as well as ownership, over territory or other property belonging to the United States. Such view, however, is opposed to both the plain meaning of the section and to the interpretation given it by our Supreme Court.

Two seemingly plain interpretations have come from the court.

In United States *v.* Gratiot (14 Pet. (U. S.) 526, 537) Mr. Justice Thompson, after quoting from section 3, Article IV of the Constitution, said:

"The term 'territory,' as here used is merely descriptive of one kind of property, and is equivalent to the word 'lands.' And Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation and has been considered the foundation upon which territorial governments rest."

Mr. Justice White in the case of Downes *v.* Bidwell (182 U. S. 244, 314), referring to the same subject, stated:

"I am not unmindful that there has been some contrariety of decision on the subject of the meaning of the clause empowering Congress to dispose of the Territories and other property of the United States, some adjudged cases treating that article as referring to property as such, and other deriving from it the general grant of power to govern Territories. In view, however, of the relations of the Territories to the Government of the United States at the time of the adoption of the Constitution, and the solemn pledge then existing that they should forever 'remain a part of the Confederacy of the United States of America,' I can not resist the belief that the theory that the disposing clause relates as well to a relinquishment or cession of sovereignty as to a mere transfer of rights of property is altogether erroneous."

It is, therefore, a fair question and worthy of serious consideration if Congress has any power to alienate our sovereignty over the Philippines. In the last analysis, it is a question for the courts and not for the Congress and no judicial interpretation can be forthcoming until after some measure granting independence is enacted.

FILING OF SUPPLEMENTARY REPORT

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to file a supplementary report on the bill H. R. 8765, which has been favorably reported.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. RAINEY. Mr. Speaker, it is very important to get the independent offices appropriation bill through this week, and I ask unanimous consent that Calendar Wednesday business may be dispensed with.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, and I do not object, is it the plan of the majority leader that in case we finish consideration of the bill by Friday we shall adjourn over?

Mr. RAINEY. We will, if we finish by Friday.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what committee has the call to-morrow?

Mr. RAINEY. Indian Affairs.

Mr. MICHENER. Is that agreeable to the chairman of the committee?

Mr. HOWARD. Mr. Speaker, the request is not altogether agreeable, but in view of the fact that the organization seems to have more emergent business for to-morrow, and because of the forgiving nature of the members of my committee, I offer no objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MEETING AT 11 O'CLOCK TO-MORROW

Mr. JOHNSON of Washington. Mr. Speaker, how far along is the consideration of the independent offices bill? Has general debate been closed?

Mr. WOODRUM. We have had one afternoon of general debate.

Mr. Speaker, in order to insure passage of the bill by Friday, I ask unanimous consent that on Wednesday, Thursday, and Friday the House meet at 11 o'clock.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have no objection to the House meeting at 11 o'clock when there is general debate, but I do not think the House should be called into session at 11 o'clock when we are under the 5-minute rule.

Mr. WOODRUM. Then I amend the request, Mr. Speaker, and ask it for to-morrow. I would like to finish general debate to-morrow, if possible.

The SPEAKER. Is there objection to the request of the gentleman from Virginia to meet at 11 o'clock to-morrow?

There was no objection.

Mr. HOWARD. Mr. Speaker, I would like to have the gentleman understand that in yielding to putting away Calendar Wednesday to-morrow, I must not be understood as yielding for the following week.

The SPEAKER. The gentleman has about six weeks within which to get in on Calendar Wednesday.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 3836. An act to authorize the construction of a temporary railroad bridge across Pearl Hiver at a point in or near the northeast quarter section 11, township 10 north, range 8 east, Leake County, Miss.; and

S. J. Res. 47. Joint resolution for the improvement of Chevy Chase Circle with a fountain and appropriate landscape treatment.

ADJOURNMENT

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p. m.), in accordance with its previous order, the House adjourned until to-morrow, Wednesday, April 6, 1932, at 11 o'clock a. m.

COMMITTEE HEARINGS

Tentative list of committee hearings scheduled for Wednesday, April 6, 1932, as reported to the floor leader by clerks of the several committees:

JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

Relating to certain restrictions on the medical profession in prescribing medicinal liquor (H. R. 293; H. R. 5608; H. R. 5859; H. R. 8077; H. R. 10524; H. J. Res. 28; H. J. Res. 211).

INDIAN AFFAIRS

(10.30 a. m.)

H. R. 6684, known as "An act to determine heirs of deceased Indians, etc."

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SIROVICH: Committee on Patents. H. R. 10976. A bill to amend and consolidate the acts respecting copyright and to codify and amend common-law rights of authors in their writings; without amendment (Rept. No. 1008). Referred to the Committee of the Whole House on the state of the Union.

Mr. KERR: Committee on Elections No. 3. H. Res. 186. A resolution declaring Peter C. Granata not elected and Stanley H. Kunz elected as Representative from the eighth congressional district in the State of Illinois (Rept. No. 778). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WARREN: Committee on Accounts. H. Res. 180. A resolution authorizing the payment of funeral expenses and compensation to Henrietta M. Williamson, widow of Milton C. Williamson, late an employee of the House (Rept. No. 1006). Ordered to be printed.

Mr. WARREN: Committee on Accounts. H. Res. 178. A resolution to pay Jessie McKinley, daughter of Henry C. McKinley, six months' compensation and an additional amount, not exceeding $250, to defray funeral expenses of the said Henry C. McKinley (Rept. No. 1007). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Mississippi: A bill (H. R. 11113) to prohibit the importation of any article or merchandise from the Union of Soviet Socialist Republics; to the Committee on Ways and Means.

By Mr. CELLER (by request): A bill (H. R. 11114) to regulate interstate commerce by prohibiting the transportation therein of children of certain divorced persons; to the Committee on the Judiciary.

Also, a bill (H. R. 11115) to amend the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A bill (H. R. 11116) relating to the making of loans to veterans upon their adjusted-service certificates; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COCHRAN of Missouri: A bill (H. R. 11117) to provide for the immediate payment of World War adjusted-service certificates, and for other purposes; to the Committee on Ways and Means.

By Mr. STEAGALL: A bill (H. R. 11118) to amend section 5219 of the Revised Statutes of the United States (U. S. C., 1925, title 12, ch. 4, sec. 546); to the Committee on Banking and Currency.

By Mr. KLEBERG: A bill (H. R. 11119) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 11120) to amend an act (chap. 300) entitled "An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims," approved February 23, 1929 (45 Stat. p. 1256); to the Committee on Indian Affairs.

By Mr. LaGUARDIA: Resolution (H. Res. 182) providing that the Attorney General be directed to transmit forthwith to the Committee on the Judiciary of the House of Representatives how many district judges have been assigned to hold court in the southern district of New York in the calendar years 1929, 1930, and 1931, and for other purposes; to the Committee on the Judiciary.

By Mr. GOLDER: Resolution (H. Res. 183) directing the Interstate Commerce Commission to make an investigation and report to the President of the United States regarding the relationships between the various political contractors, political combinations, and railroad officials; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN of Missouri: Resolution (H. Res. 184) providing for the consideration of H. R. 10794, a bill to consolidate and coordinate certain governmental activities affecting the civil service of the United States; to the Committee on Rules.

Also, resolution (H. Res. 185) providing for the consideration of H. R. 11011, a bill to establish a public works commission; to the Committee on Rules.

By Mr. BRAND of Georgia: Joint resolution (H. J. Res. 353) to provide assistance in the rehabilitation of certain storm-stricken areas in the United States and in relieving unemployment in such areas; to the Committee on Agriculture.

By Mr. LEWIS: Joint resolution (H. J. Res. 354) requesting the President of the United States to request by proclamation the people of the United States to join in observance on August 26 in every year of the adoption of the nineteenth amendment to the Federal Constitution: to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 11121) granting an increase of pension to Clarence L. Wimer; to the Committee on Pensions.

Also, a bill (H. R. 11122) granting an increase of pension to Marian Beam; to the Committee on Invalid Pensions.

By Mr. BEAM: A bill (H. R. 11123) for the relief of Edmond F. Coyle; to the Committee on Naval Affairs.

By Mr. BOLAND: A bill (H. R. 11124) for the relief of James Gessler; to the Committee on Military Affairs.

By Mr. CARTWRIGHT: A bill (H. R. 11125) granting an increase of pension to Mary E. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11126) granting a pension to Neeley Keller; to the Committee on Invalid Pensions.

By Mr. DAVILA: A bill (H. R. 11127) granting an increase of pension to Ana Rita Rexach; to the Committee on Pensions.

By Mr. FITZPATRICK: A bill (H. R. 11128) for the relief of Fred Ernest Gross; to the Committee on Naval Affairs.

Also, a bill (H. R. 11129) for the relief of William C. Green; to the Committee on Naval Affairs.

By Mr. FULLER: A bill (H. R. 11130) granting a pension to Martha J. Hopper; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 11131) granting a pension to Conrad F. Korthanke; to the Committee on Pensions.

By Mr. GUYER: A bill (H. R. 11132) granting an increase of pension to Hannah Byers; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11133) granting a pension to Harold Bertrun Denison; to the Committee on Pensions.

Also, a bill (H. R. 11134) granting a pension to John R. Gamble; to the Committee on Pensions.

By Mr. HOGG of West Virginia: A bill (H. R. 11135) granting an increase of pension to Martha F. Robinson; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 11136) granting an increase of pension to Mary T. Eagy; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 11137) for the relief of Willie A. Williams; to the Committee on Claims.

By Mr. KOPP: A bill (H. R. 11138) granting a pension to Lillie Watson; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 11139) authorizing Frederick W. VanDuyne, colonel in the United States Army, to accept the decoration of the Legion of Honor, tendered him by the Republic of France; to the Committee on Foreign Affairs.

By Mr. McKEOWN: A bill (H. R. 11140) granting an increase of pension to Sue Rains; to the Committee on Invalid Pensions.

By Mr. RAMSPECK: A bill (H. R. 11141) authorizing the President to order George H. McKee before a retiring board for a hearing of his case and upon the findings of such board to determine whether or not he be placed on the retired list with rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

By Mr. SCHNEIDER: A bill (H. R. 11142) granting a pension to Martha Wead; to the Committee on Invalid Pensions.

By Mr. SHANNON: A bill (H. R. 11143) for the relief of Clara Fitzgerald; to the Committee on Claims.

By Mr. SUMMERS of Washington: A bill (H. R. 11144) granting a pension to Jennie Ledford McNeill; to the Committee on Invalid Pensions.

By Mr. SWANSON: A bill (H. R. 11145) granting an increase of pension to Mary J. Strait; to the Committee on Invalid Pensions.

By Mr. THOMASON: A bill (H. R. 11146) for the relief of Douglas C. Pyle; to the Committee on Naval Affairs.

By Mr. UNDERWOOD: A bill (H. R. 11147 granting an increase of pension to Amelia Shultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11148 granting an increase of pension to Delilah Coffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11149) granting a pension to William E. McCormick; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Missouri: A bill (H. R. 11150) for the relief of G. C. Vandover; to the Committee on Claims.

By Mr. WILSON: A bill (H. R. 11151) granting a pension to Mary Lou Wallace Paul; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5472. By Mr. ANDREWS of New York: Resolution adopted by 73 members of the William McKinley Council, No. 125, urging support of House Joint Resolutions 216 and 277 and House bill 9597; to the Committee on Immigration and Naturalization.

5473. By Mr. ARNOLD: Petition of citizens of Mount Vernon, Ill., favoring an old age pension law; to the Committee on Labor.

5474. Also, petition of Brotherhood of Railway Carmen, Mount Carmel, Ill., urging passage of legislation regulating trucks and busses engaged in interstate commerce in competition with railroads, and providing legislation for certain regulation of waterway carriers; to the Committee on Interstate and Foreign Commerce.

5475. By Mr. BLANTON: Petition of Vernon D. Hart Post, No. 100, the American Legion, at Stamford, Tex., presented by M. B. Harris, adjutant, urging Congress to pass legislation requiring the immediate payment of the adjusted-compensation certificates; to the Committee on Ways and Means.

5476. By Mr. CABLE: Petition of citizens of Lima, Ohio, regarding taxation and regulation of interstate bus and truck transportation; to the Committee on Interstate and Foreign Commerce.

5477. By Mr. CAMPBELL of Iowa: Petition of 76 citizens and voters of Woodbury and Ida County, Iowa, protesting against House bill 8092, which provides for the closing of barber shops on Sunday in the District of Columbia; to the Committee on the District of Columbia.

5478. By Mr. COCHRAN of Missouri: Memorial submitted by Vesta T. May, general secretary of the St. Louis School Patrons' Alliance, an association of the Fathers' Clubs and Mothers' Clubs and other associations of like character in 65 schools in St. Louis, Mo., praying for the enactment of the bill to give the Federal Government jurisdiction in kidnaping cases, introduced by Representative JOHN J. COCHRAN of Missouri; to the Committee on the Judiciary.

5479. By Mr. DICKINSON: Petition of 942 citizens of the State of Missouri, against the reduction of salaries of Government employees; to the Committee on Expenditures in the Executive Departments.

5480. By Mr. DRANE: Petition of citizens of Pinellas County, Fla., protesting against House bill 8092; to the Committee on the District of Columbia.

5481. Also, petition of citizens of Eustis, Fla., protesting against the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

5482. By Mr. FOSS: Petition of employees of Iver Johnson Arms & Cycle Works, of Fitchburg, Mass., opposing passage of House bill 10604, levying a tax of 1 cent per shell on all loaded shot shells; to the Committee on Ways and Means.

5483. By Mr. FULLER: Petition of Fulton Patterson and 129 ex-service and business men of Yellville, Ark., praying for the full payment of the veterans' adjusted-service certificates; to the Committee on Ways and Means.

5484. By Mr. GILCHRIST: Petition of 26 honorably discharged soldiers of Dow City, Iowa, urging the passage of the adjusted compensation bill, H. R. 1; to the Committee on Ways and Means.

5485. Also, petition of 78 citizens of the eighth congressional district of Iowa, urging the passage of House bill 1, being the adjusted compensation bill; to the Committee on Ways and Means.

5486. By Mr. GLOVER: Petition of the farmers of Jefferson County; to the Committee on Agriculture.

5487. Also, petition of the farmers of Arkansas County; to the Committee on Agriculture.

5488. Also, petition of the farmers of Lincoln County; to the Committee on Agriculture.

5489. Also, petition of farmers of Cleveland County; to the Committee on Agriculture.

5490. Also, petition of the farmers of Lonoke County; to the Committee on Agriculture.

5491. Also, petition of the farmers of Hot Spring County; to the Committee on Agriculture.

5492. Also, petition of the farmers of Drew County; to the Committee on Agriculture.

5493. Also, petition of the farmers of Dallas County; to the Committee on Agriculture.

5494. Also, petition of the farmers of Garland County; to the Committee on Agriculture.

5495. Also, petition of the farmers of Cleveland County; to the Committee on Agriculture.

5496. By Mr. HARLAN: Petition of J. Elmer Baird and 52 other citizens of Dayton, Ohio, protesting against further increase in taxation, and asking a reduction in Government expenses; to the Committee on Ways and Means.

5497. By Mr. HOGG of West Virginia: Petition of Logan County Unit of Railway Employees and Taxpayers Association, opposing the Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5498. Also, petition of the Pocahontas Operators' Association, opposing the Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5499. Also, petition of Kiwanis Club of Logan, opposing the Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5500. By Mr. JAMES: Telegram from Norman D. Starrett, mayor of the city of Hancock, Mich., favoring a tariff on copper; to the Committee on Ways and Means.

5501. Also, telegram from Joe Dragman, president of the St. Joseph's Society, Calumet, Mich., favoring a tariff on copper; to the Committee on Ways and Means.

5502. By Mr. JOHNSON of Washington: Petition of Yakima (Wash. Fruit Growers' Association, advocating a moderation of the present high-tariff policy so that foreign markets be restored for Pacific Northwest fruit products; to the Committee on Ways and Means.

5503. By Mr. KOPP: Petition of S. Hamill and about 150 other citizens and sportsmen of Keokuk, Iowa, protesting against the cent-a-shell tax as proposed in House bill 10604; to the Committee on Ways and Means.

5504. Also, petition of Mrs. R. B. Willey and many other residents of Burlington, Iowa, urging the support and maintenance of the prohibition law; to the Committee on the Judiciary.

5505. By Mr. LEHLBACH: Petition of citizens of sportsmen of the State of New Jersey, protesting against the cent-a-shell tax as proposed in House bill 10604; to the Committee on Ways and Means.

5506. By Mr. LICHTENWALNER: Petition of 60 citizens and sportsmen of the State of Pennsylvania, protesting against the cent-a-shell tax as proposed in House bill 10604; to the Committee on Ways and Means.

5507. By Mr. LINDSAY: Petition of Chamber of Commerce of El Paso, Tex., favoring the passage of House Joint Resolution 319; to the Committee on Ways and Means.

5508. Also, petition of the Merchants' Association of New York, opposing House bill 10241; to the Committee on Banking and Currency.

5509. By Mr. LONERGAN: Petition of Connecticut sportsmen on the cent-a-shell tax bill; to the Committee on Ways and Means.

5510. By Mr. LINTHICUM: Petition of Harry C. Knight, of Leonardtown, Md., urging passage of bills for bear and wildlife sanctuaries in southeastern Baranof Islands and Everglades of Florida, respectively; to the Committee on the Public Lands.

5511. Also, petition of Kensington Board of Trade, Kensington, Md., urging passage of House bill 5659; to the Committee on the Judiciary.

5512. Also, petition of Waldo Newcomer, of Baltimore, Md., urging passage of House bills 1967 and 8549; to the Committee on Immigration and Naturalization.

5513. Also, petition of Consolidated Engineering Co. (Inc.), Baltimore, Md., urging passage of Senate bill 3847; to the Committee on Labor.

5514. Also, petition of Rev. Benjamin B. Lovett, of Baltimore, Md., urging Federal aid for the unemployed; to the Committee on Ways and Means.

5515. Also, petition of Baltimore Association of Commerce, Baltimore, Md., opposing Senate Joint Resolution 120; to the Committee on Interstate and Foreign Commerce.

5516. Also, petition of Lloyd H. Eney, of Baltimore, Md., Oriole Lodge, No. 486, International Association of Machinists, Baltimore, Md., Baltimore branch, Railway Mail Association, Baltimore Md., opposing reduction in Federal employees' salaries; to the Committee on Ways and Means.

5517. Also, petition of O. M. Gibson, of Baltimore, Md., opposing additional appropriation to Farm Board; to the Committee on Banking and Currency.

5518. Also, petition of Carolina Bagging Co., of Henderson, N. C., opposing House bill 8559; to the Committee on Agriculture.

5519. Also, petition of Izaak Walton League of America, Baltimore, Md., urging support of Senate bill 263; to the Committee on Agriculture.

5520. Also, petition of the Seaboard Brass & Copper Co., Baltimore, Md., opposing House bill 408; to the Committee on Merchant Marine, Radio, and Fisheries.

5521. Also, petition of United States Veterans' Association and Elmer Lloyd, of Baltimore, Md., favoring passage of House bill 1, soldiers' bonus bill; to the Committee on Ways and Means.

5522. Also, petition of Dr. Cecil W. West and Laura E. Campen, of Baltimore, Md., opposing passage of House bill 1, soldiers' bonus bill; to the Committee on Ways and Means.

5523. Also, petition of the American Legion, the Maryland Guard Memorial Post, No. 35, American Legion, and Mrs. Samuel Hillman, of Baltimore, Md., favoring passage of pension bill for widows and orphans of World War veterans; to the Committee on Pensions.

5524. By Mr. LUDLOW: Petition of 40 members of the Disabled American Veterans of the World War, the American Legion, and the Veterans of Foreign Wars of Indianapolis, Ind., favoring immediate payment of the balance upon the face value of all adjusted-service certificates; to the Committee on Ways and Means.

5525. By Mr. McDUFFIE: Petition of citizens of the State of Alabama, protesting against the passage of House bill 10604; to the Committee on Ways and Means.

5526. By Mr. MEAD: Petition of New York State League of Savings and Loan Associations, urging enactment of Senate bill 2959 and House bill 7620; to the Committee on Banking and Currency.

5527. By Mr. MILLARD: Resolution unanimously passed by the Fancher Nicholl Post, No. 77, of the American Legion, Pleasantville, N. Y., disapproving of any payment at this time of public moneys to veterans (not disabled) on account of adjusted-compensation certificates; to the Committee on Ways and Means.

5528. Also, resolution of the executive committee of the New York State League of Savings and Loan Associations, expressing the approval of that organization of House bill 7620; to the Committee on Banking and Currency.

5529. By Mr. MILLER: Petition of Batesville Post of the American Legion of Batesville, Ark., urging payment of the balance of the adjusted-service certificates; to the Committee on Ways and Means.

5530. By Mr. PEAVEY: Petition of numerous citizens of the city of Spooner, Wis., and surrounding vicinity, protesting against the passage of Senate bill 1202, providing for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5531. By Mr. RUDD: Petition of the Merchants' Association of New York, opposing the passage of House bill 10241, to provide a guarantee fund for depositors in member banks of the Federal reserve system; to the Committee on Banking and Currency.

5532. Also, petition of Fred B. Peterson & Co., 99 Wall Street, New York City, favoring the passage of House bill 10604, providing for a tax of 1 cent per shell for shotgun shells; to the Committee on Ways and Means.

5533. Also, petition of Penn Brass & Bronze Works, Brooklyn, N. Y., favoring the passage of House bill 6187 and Senate bill 2956; to the Committee on Public Buildings and Grounds.

5534. Also, petition of John T. Harrison, 16 Liberty Street, New York City, opposing the passage of the cash payment of adjusted-service certificates; to the Committee on Ways and Means.

5535. Also, petition of New York Automobile Club, opposing any special motor excise tax or tax on gasoline unless they are a part of a general sales-tax program; to the Committee on Ways and Means.

5536. Also, petition of New York Typographical Union, No. 6, opposing any salary reduction of the Federal employees; to the Committee on Expenditures in the Executive Departments.

5537. By Mr. SELVIG: Petition of 18 members of Barnesville (Minn.) Legion, urging cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5538. Also, petition of 19 members of Legion at Barnesville, Minn., urging cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5539. Also, petition of 19 Legion members of Barnesville, Minn., urging cash payment of face value of bonus certificates; to the Committee on Ways and Means.

5540. Also, petition of numerous citizens of Fertile, Minn., urging immediate cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5541. Also, petition of 19 veterans of Fertile, Minn., urging cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5542. Also, petition of veterans of New York Mills, Minn., urging enactment of cash payment of bonus; to the Committee on Ways and Means.

5543. Also, petition of 19 members of Legion at Hallock, Minn., urging cash payment of face value of bonus certificates; to the Committee on Ways and Means.

5544. Also, petition of 19 members of Legion at Hallock, Minn., urging enactment of cash payment of face value of bonus certificates; to the Committee on Ways and Means.

5545. Also, petition of members of Legion at St. Vincent, Minn., urging enactment of cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5546. Also, petition of American Legion Post, No. 390, Stephen, Minn., urging cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5547. Also, petition of members of American Legion of Stephen, Minn., favoring cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5548. Also, petition of 20 citizens of Detroit Lakes, Minn., favoring cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5549. Also, petition of members of Legion at Stephen, Minn., favoring cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5550. By Mr. SHOTT: Petition of citizens of Talcott, Summers County, W. Va., favoring support of the pension bill, H. R. 9891, known as the railroad employees' national pension bill; to the Committee on Interstate and Foreign Commerce.

5551. Also, petition of 20 citizens of McDowell County, W. Va., asking for the immediate payment at full face value of the adjusted-compensation certificates; to the Committee on Ways and Means.

5552. By Mr. SMITH of West Virginia: Resolutions of Logan Coal Operators' Association, of Logan; the New River Coal Operators' Association, of Mount Hope; the Pocahontas Operators' Association, of Bluefield; and the Kiwanis Club, of Logan, all of the State of West Virginia, protesting against the passage of the Davis-Kelly coal bill; to the Committee on Interstate and Foreign Commerce.

5553. By Mr. SHOTT: Petition of the directors of Logan County Chamber of Commerce, Logan, W. Va., opposing the passage of the Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5554. Also, petition of George C. Donovan and other citizens of Princeton, Mercer County, W. Va., favoring the immediate cash payment of the adjusted-compensation certificates; to the Committee on Ways and Means.

5555. By Mr. SMITH of West Virginia: Petitions of the Logan County Chamber of Commerce, and other citizens, of Logan, W. Va., protesting against the passage of the Davis-Kelly coal bill; to the Committee on Interstate and Foreign Commerce.

5556. By Mr. SUMMERS of Washington: Resolution by the Talbot Improvement Club of Renton, Wash., R. W. Harris, president, and Ellen Jensen, secretary, indorsing the Summers farm to market post road bill, H. R. 137; to the Committee on Roads.

5557. By Mr. TARVER: Petition of a number of citizens of Atco, Ga., protesting against the cent-a-shell tax proposed in House bill 10604; to the Committee on Ways and Means.

5558. By Mr. THOMASON: Petition of residents of El Paso, Tex., urging favorable action by Congress on the proposal to pay in cash the balance due on adjusted-service certificates; to the Committee on Ways and Means.

5559. Also, petition of employees of the city water works of El Paso, Tex., urging cash payment of the balance due on adjusted-service certificates; to the Committee on Ways and Means.

5560. By Mr. WATSON: Petition of citizens and sportsmen of the State of Pennsylvania, opposing the cent-a-shell tax as proposed in House Resolution 10604; to the Committee on Ways and Means.

5561. By Mr. WELCH of California: Petition of citizens of California, protesting against the passage of House bill 10604; to the Committee on Ways and Means.

5562. By Mr. WEST: Petition signed by 131 residents of the State of Ohio, protesting against the cent-a-shell tax upon shotgun shells; to the Committee on Ways and Means.

5563. Also, petition of 24 letter carriers at Newark, Ohio, protesting against reduction in salaries of postal employees; to the Committee on Expenditures in the Executive Departments.

5564. By Mr. WHITTINGTON: Petition of the Rotary Club of Canton, Miss., asking for repeal of the recapture provisions of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

5565. Also, petition of Chamber of Commerce of Canton, Miss., favoring the repeal of the recapture provisions of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

SENATE

WEDNESDAY, APRIL 6, 1932

(Legislative day of Monday, April 4, 1932)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 3836. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near the northeast quarter section 11, township 10 north, range 8 east, Leake County, Miss.; and

S. J. Res. 47. Joint resolution for the improvement of Chevy Chase Circle with a fountain and appropriate landscape treatment.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Cutting	Johnson	Robinson, Ark.
Austin	Dale	Jones	Schall
Bailey	Davis	Kean	Sheppard
Bankhead	Dickinson	Kendrick	Shipstead
Barbour	Dill	Keyes	Shortridge
Black	Fess	King	Smoot
Blaine	Fletcher	La Follette	Steiwer
Borah	Frazier	Lewis	Thomas, Idaho
Bratton	George	Logan	Thomas, Okla.
Brookhart	Glass	Long	Townsend
Broussard	Glenn	McGill	Trammell
Bulkley	Goldsborough	McKellar	Tydings
Bulow	Gore	McNary	Vandenberg
Byrnes	Hale	Morrison	Wagner
Capper	Harrison	Moses	Walcott
Caraway	Hastings	Neely	Walsh, Mass.
Carey	Hatfield	Norbeck	Walsh, Mont.
Connally	Hawes	Norris	Wheeler
Coolidge	Hayden	Nye	White
Copeland	Hebert	Oddie	
Costigan	Howell	Pittman	
Couzens	Hull	Reed	

Mr. FESS. The senior Senator from Indiana [Mr. WATSON] and the junior Senator from Indiana [Mr. ROBINSON] are absent attending the funeral of the late Representative Vestal. The announcement may stand for the day.

I also wish to announce that the Senator from Missouri [Mr. PATTERSON] is detained on account of illness. This announcement may stand for the day.

Mr. GEORGE. My colleague the senior Senator from Georgia [Mr. HARRIS] is still detained from the Senate because of illness. I will let this announcement stand for the day.

Mr. GLASS. I wish to announce that my colleague the senior Senator from Virginia [Mr. SWANSON] is absent in attendance upon the disarmament conference at Geneva.

Mr. BYRNES. I desire to announce that my colleague the senior Senator from South Carolina [Mr. SMITH] is necessarily detained by serious illness in his family.

Mr. LOGAN. I wish to announce that the senior Senator from Kentucky [Mr. BARKLEY] is necessarily detained from the Senate on official business.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

LANDS IN LOUISIANA AND MISSISSIPPI

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, which was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows: